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1 DEPARTMENT OF THE INTERIOR  
2 COOPERATIVE CONSERVATION  
3 LISTENING SESSION  
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5  
6 The Ohio State University  
7 Agriculture Administration  
8 Building 003 Auditorium

9 2120 Fyffe Road  
10 Columbus, Ohio 43210  
11 Monday, August 21, 2006  
12 4:00 o'clock p.m.  
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1 P R O C E E D I N G S  
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3 Monday, August 21, 2006  
4 Afternoon Session  
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6 MODERATOR SENG: Good evening and  
7 welcome to the fourth of 24 Cooperative  
8 Conservation Listening Sessions on Cooperative  
9 Conservation.  
10 My name is Phil Seng, and I'll be the  
11 Moderator for tonight's session. I'd like to  
12 formally begin these proceedings. I'm honored to  
13 introduce Kim Burton to sing our National Anthem.  
14 Would you please rise?  
15 (National anthem.)  
16 MODERATOR SENG: Thank you.  
17 First I'd like to acknowledge several  
18 dignitaries we have with us this evening, first  
19 being from the Ohio Congressional delegation from  
20 Senator Voinovich's office, we have Kisha Fallon  
21 and Lisa Zellers. Thank you very much for coming.  
22 And from Representative Seitz's office,  
23 Krista Schweizer. Thank you very much.  
24 And over here in the corner, we have from  
25 the Eddie Rickenbacker Composite Squadron of the

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1 Civil Air Patrol this group of young people who do  
2 neighborhood and park cleanup and emergency search  
3 and rescue and other things that benefit the local

4 society. And they are commanded by Lieutenant  
5 Daniel Petrie. And we thank you for coming.

6 They represent the future of conservation  
7 in our country. Thank you very much for being  
8 here.

9 Now, I'd like to invite Dr. Jerry Bigham,  
10 who is Director and Professor of the School of  
11 Environment and Natural Resources in the College  
12 of Food, Agricultural and Environmental Sciences  
13 at Ohio State University, to come to the podium  
14 for the welcome.

15 Dr. Bigham?

16 DR. BIGHAM: Thank you very much,  
17 Mr. Seng.

18 Starting on behalf of the faculty, staff  
19 and administration of The Ohio State University  
20 and especially the College of Food and  
21 Agricultural and Environmental Sciences, we want  
22 to welcome each and every one of you here today,  
23 and especially the dignitaries who are up here on  
24 the podium with me at this time.

25 The conservation issues that are

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1 pronounced throughout the State of Ohio are  
2 something that I think everyone in the audience is  
3 aware of. We have a state with 11.4 million  
4 people, 41,000 acres of land with a population  
5 density of about 280 people per square mile.

6 We have urban centers such as Cleveland,  
7 Columbus, Cincinnati, Dayton, Youngstown, Toledo,  
8 and constant encroachment on prime agricultural  
9 lands. I think we're one of five states in the  
10 country with almost 50 percent of our land used as  
11 agricultural land.

12 So there's constant friction and constant  
13 conflict. Couple that with the fact that about  
14 one-third of the state is forested. It's a  
15 patchwork system, if you will. At the beginning  
16 of the century as little as ten percent of the  
17 state was actually forested; in 1940, about 15  
18 percent.

19 Today about a third of the state is  
20 forested, and it's patchwork in the sense that  
21 there are no very large contiguous areas of  
22 forest. Both public and private lands are  
23 incorporated into those forested wooded acreages.  
24 So, again, management and conservation becomes a  
25 very difficult concept to actually apply.

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1 Manufacturing in the state, I think we  
2 rank third in the states for manufacturing. If we  
3 look at almost any aspect of environmental  
4 concerns, they are certainly expressed in this  
5 state.

6 As you may or may not know, a survey of  
7 Ohio citizenry is done every two years by this  
8 college. In 2004, I believe in ranking the

9 number-one issue in the minds of the citizens of  
10 this state was obesity. The second most prominent  
11 concern is water quality. And water quality is,  
12 as you well know, a major conservation issue for  
13 us.

14 I realize that there are many different  
  
15 audiences representatives of many different  
16 audiences here today. And I, by no means, would  
17 say that Ohio State University and the college has  
18 the market cornered on conservation and  
19 conservation programs. That certainly is not the  
20 case. But conservation is a very important topic,  
21 venue for us to be concerned with in this college.

22 A few years ago, about ten years, in  
23 fact, the leadership of the college introduced a  
24 concept which it called an ecological paradigm.  
25 And that concept was instituted in order to guide

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1 the college and its programs into the 21st  
2 century.

3 You can think about a college like ours  
4 as one in which -- the tradition is one in food  
5 production and certainly feeding the world is a  
6 very noble enterprise. But it's been recognized  
7 for some time now that production efficiency alone  
8 is not enough.

9 In order to have a truly stable  
10 enterprise in this state, about a \$79 billion  
11 industry, we have to couple production efficiency  
12 with economic viability and also with  
13 environmental compatibility and social  
14 responsibility.

15 And the emblem of this ecological  
16 paradigm is in the form of a pyramid that  
17 basically says a pyramid is a stable structure  
18 because all four sides of a pyramid are equal. If  
19 one becomes shorter than the other, then the  
20 ecological -- the pyramid and the ecological

21 paradigm collapse.

22 So in its pure sense conservation is very  
23 much an issue of social responsibility. But it  
24 certainly cannot go forward without the other  
25 components of production efficiency, economic

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1 viability and environmental compatibility.

2 So today is an opportunity which I think  
3 we're all looking forward to offer our concerns,  
4 our concepts, our ideas to the panel we have  
5 before us about how to advance conservation, in  
6 particular, quality conservation efforts within  
7 the State of Ohio.

8 So ladies and gentlemen, I hope you enjoy  
9 the session today. And certainly distinguished  
10 panelists, we're all very indebted and happy to  
11 have the opportunity to greet you this afternoon.

12 Thank you very much.  
13 MODERATOR SENG: Thank you, Dr. Bigham.  
14 I have a couple of other dignitaries I  
15 neglected to mention. I apologize for that. We  
16 have with us from the U.S. Department of  
17 Agriculture and Natural Resources Conservation  
18 Service, Terry Cosby, who is a state  
19 conservationist. Terry, would you please rise  
20 right back there. Thank you for coming.  
21 From the Ohio Department of Natural  
22 Resources, the Director, Sam Speck. Sam, there he  
23 is back there.

24 And also from Ohio DNR, the Chief of the  
25 Division of Wildlife, Steve Gray. Steve would you

0008

1 stand in the back, also. Thank you all for  
2 joining us.  
3 Joining me on the podium to my left, to  
4 your right, the Under Secretary of the Department  
5 of Agriculture, Mark Rey.  
6 Right here, the Assistant Administrator  
7 of the Environmental Protection Agency, Ben  
8 Grumbles.

9 And to my right, to your left, we have  
10 the Chief of Staff of the Department of The  
11 Interior, Brian Waidmann.

12 I'd also like to introduce and recognize  
13 our Court Reporter, Deborah Roberts. And we have  
14 two sign interpreters working right --  
15 Amanda Fannon-Schmidt. And Tracy Buhl in the  
16 front here will be giving her a break throughout  
17 the process. I thank them for being here.

18 I would like to give you a quick preview  
19 of our agenda and the process we're going to  
20 follow for tonight's session. First we'll have  
21 some opening comments and very brief presentations  
22 by the folks here on the podium, and then we'll  
23 move right to the reason why we're gathered here,  
24 which is to listen to your comments on cooperative  
25 conservation.

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1 The process we're going to follow is  
2 designed to let us hear from as many people as  
3 possible and to give everyone a fair chance to be  
4 heard.

5 As you came in this afternoon, you should  
6 have received a little index card like this  
7 (indicating). This is the order in which we're  
8 going to be taking public comment at the mic is  
9 the number that is written on this card.

10 If you did not receive one of these, you  
11 can go back to the door and there's folks there  
12 that can give you one.

13 When we get to the public comment portion  
14 of the session, I'll be calling people in the  
15 order of the numbers on these cards and will  
16 invite you to come to one of the two microphones

17 here in the front.  
18 And when you come, please speak your name  
19 and spell it, if you would, for the Court  
20 Reporter, unless it's immediately obviously how  
21 it's spelled. Please spell it so we can capture  
22 that correctly.

23 Please mention the city and state where  
24 you're from. And if you're representing an  
25 organization, please let us know what the

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1 organization is.

2 And we do this having you come to the  
3 microphone for two reasons. Mostly so that  
4 everyone can benefit from the comments that you  
5 make and so that we can capture those correctly  
6 and accurately.

7 If you're not comfortable speaking in the  
8 public forum and you don't want to come to the mic  
9 and you have comments you'd like to make, you can  
10 send them in by regular mail, fax and e-mail, and  
11 that contact information is on this card. Or if  
12 you have things that you think of after you leave  
13 tonight and you want to make additional comments,  
14 please do send those in in one of those three  
15 ways.

16 If you brought written comments with you  
17 this evening, on the table that you passed as you  
18 came in, there's a box there. You can leave those  
19 with us. I want to mention that all of the ways  
20 that comments are taken will be weighted equally.

21 So if you choose to speak, that won't be  
22 weighted any more than someone who sent an e-mail  
23 in. So we're going to collect all the comments  
24 and treat them all the same.

25 It's very important that each speaker

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1 limit their comments to two minutes. It's not  
2 much time, but we want to give everyone a chance  
3 to speak. And so that's our top priority, is to  
4 make sure that everyone has a chance.

5 So what I'm going to do when we get to  
6 that portion at the two-minute mark, I'm going to  
7 flash this card, and I will ask you at that time  
8 to wrap up. If you've not wrapped up at two  
9 minutes and thirty seconds, I'm going to cut you  
10 off.

11 And I apologize in advance for that, but  
12 really my job -- There's really two reasons why  
13 I'm here as a moderator, and I take them both very  
14 seriously. First is to keep everything moving so  
15 that everyone has a chance to speak. I will keep  
16 track of time from here to do that.

17 And second is to keep us all on topic and  
18 civil. It's not often that we have a chance to  
19 talk to high-level folks like this.

20 And on the back of the card you received  
21 there are five questions that -- really these

22 listening sessions which are occurring around the  
23 country were designed to take input on these five  
24 questions.

25 So they are very broad. So as long as

0012

1 you limit your comments to conservation, you will  
2 be fine. If you start talking off topic, then I  
3 reserve the right to cut you off and get you back  
4 on topic, and I apologize in advance for that.

5 The format for these meetings is a  
6 listening session. It's not intended to be a  
7 dialogue or a give and take and, therefore, we  
8 won't be fielding questions from the podium, if  
9 you have any.

10 This is set up to hear what you have to  
11 say; however, I would like to acknowledge several  
12 people who have joined us in the audience who will  
13 be available at the break and after the session to  
14 answer comments that you may -- or answer  
15 questions that you may have. And those will be  
16 Robin Thorson, who is the Regional Director for  
17 the U.S. Fish and Wildlife Service Region 3.  
18 She's right over here (indicating). And  
19 Dr. Mary Knapp, who is the Field Supervisor of the  
20 Ohio Field Office of the Fish and Wildlife  
21 Service, and she's back by the door there.

22 So keep them in mind where they are. And  
23 if you have questions, please address them at the  
24 break or afterwards.

25 It's now my privilege to get us into the

0013

1 presentation portion of the schedule, and I will  
2 do that by first introducing the Chief of Staff of  
3 the Department of the Interior, Brian Waidmann.

4 Brian.

5 MR. WAIDMANN: Thank you, and good  
6 afternoon.

7 I'm always impressed when I come to  
8 events like these and I see people who commit  
9 their time to spending an afternoon talking about  
10 these issues. And you're here because it's  
11 important. And we're just delighted to be here.

12 By way of introduction, I'm from  
13 Colorado. The last time I was in Columbus, Ohio  
14 was 35 years ago when I was a high school student.  
15 And I don't know why you had to wait so long to  
16 invite me back. I hope I wasn't all that bad  
17 those years ago.

18 But I had one of those memorable  
19 experiences when I was here as a high school  
20 student. I was from Colorado. I had lived my  
21 entire life in Colorado and coming to Columbus,  
22 Ohio was my first time going out of state.

23 I arrived here at the Columbus Airport,  
24 drove up to the University of Ohio up in Athens,  
25 got there about 4:00 o'clock. And I was attending

0014

1 a journalism conference for high school students.  
2 And the first session started at 5:00 and ended at  
3 9:00 o'clock at night. And I remember walking out  
4 at night out of an indoor building, outside, and I  
5 saw something that I had never before seen. I was  
6 curious, as you could have anticipated. It was in  
7 the summer and it was at night. It was my first  
8 experience ever seeing fireflies.

9 And I remember looking out in the  
10 tree-lined campus and seeing all this flickering  
11 of light. I couldn't figure out at the beginning  
12 what it was. I thought, gee, maybe I was sick or  
13 dazed or something.

14 And I finally -- I know this will  
15 sound -- I'm sort of embarrassed to admit it. I  
16 finally asked somebody, "What is that?" And they  
17 said, "What"? I said, "Those flickering lights."  
18 They thought I was nuts. "They're fireflies."  
19 I'd never seen them before.

20 I tell that story just because that's why  
21 we're here today. We're here to hear new  
22 perspectives, new ideas, new thoughts that we have  
23 never heard before.

24 I'll be honest, it wasn't until  
25 Dr. Bigham mentioned in his remarks that at the

0015  
1 turn of the century, less than ten percent of Ohio  
2 was forested and now it's up to one-third is  
3 forest.

4 I haven't heard until this morning, until  
5 this afternoon, until Dr. Bigham spoke, that water  
6 quality is the second most important issue for  
7 Ohioans. Those sort of perspectives you can only  
8 hear if you get out of Washington and go hear  
9 them. That's why we're here.

10 And the story of how this came to be is a  
11 meeting that our respective bosses, the Cabinet  
12 Secretaries, had with President Bush in the  
13 cabinet room in the White House, and it occurred  
14 about two months ago. And Secretary Kempthorne  
15 was there, and there was to be a discussion about  
16 conservation policy.

17 And in a memorable moment the President  
18 interrupted the discussion and he said, "You know,  
19 I know all of you know what it is that you're  
20 talking about and are interesting and  
21 knowledgeable, but I'd like to do something  
22 different. I'd like you to go out before you talk  
23 to me about what you think we should do, I want  
24 you to go out and go listen to what Americans,  
25 what folks think across the country on

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1 conservation issues, what they think about soil  
2 issues, water endangered species."

3 That was how this listening session got  
4 born, in the cabinet room with the President of  
5 the United States and his idea. And that's what

6 we're here to do. We are here to listen. We're  
7 here for you to tell us and to kind of breathe  
8 deeply into what you think we should hear. It's  
9 an open agenda.

10 I want to keep my comments brief so that  
11 we can listen. So my privilege -- and this is  
12 going to be the only opportunity that you have to  
13 hiss and boo for this afternoon -- is to introduce  
14 our next speaker who went to the University of  
15 Michigan. Worse, he was raised in Ohio, so how he  
16 can explain that is up to him.

17 Our next speaker is Mark Rey, who's the  
18 Under Secretary for Environment and Natural  
19 Resources. And has responsibility so vast that  
20 he's in charge of all of the national forests  
21 throughout the United States and foreign policy so  
22 important to Ohio.

23 Mark?

24 MR. REY: I'm not going to get into  
25 football. I know better, being a native Ohioan,

0017

1 so I'll just tell you all that I'm delighted to be  
2 here. The listening session that you're  
3 attending today is a continuation of an initiative  
4 that is the true embodiment of President Bush's  
5 vision and philosophy for conservation and  
6 environmental stewardship. It's called  
7 Cooperative Conservation.

8 In keeping with this philosophy, the  
9 President signed an Executive Order entitled  
10 "Facilitation and Cooperative Conservation" in  
11 August of 2004.

12 The order directed five federal agencies,  
13 including the Department of Agriculture in which I  
14 serve, as well the Departments of Commerce,  
15 Interior, the Environmental Protection Agency and  
16 the Department of Defense to implement laws  
17 related to the environment and natural resources  
18 in a manner that promotes cooperative conservation  
19 with an emphasis on local inclusion.

20 To further the implementation of that  
21 Executive Order, the President called for a White  
22 House conference on cooperative conservation,  
23 which was held in St. Louis just a week shy of a  
24 year ago. I recognize at least a few faces from  
25 people who attended.

0018

1 That White House conference was,  
2 parenthetically, the first White House conference  
3 on a conservation-related topic in over 40 years.  
4 The previous one having been called during the  
5 administration of Lyndon Johnson. During that  
6 conference, the nation's leaders in conservation  
7 and environmental stewardship generated a wealth  
8 of suggestions and ideas for implementing the  
9 programs set forth in the Cooperative Conservation  
10 Executive Order. And I can assure you that many



11 of these ideas are being implemented across the  
12 federal government today.

13 We're here today to continue the dialogue  
14 that was begun in St. Louis. And to that end,  
15 we'd like to hear your thoughts on five separate  
16 topics. First, ways to help states, tribes, local  
17 communities, private landowners and other partners  
18 understand and better use the variety of  
19 environmental and conservation and regulatory and  
20 voluntary programs.

21 Second, ways to effectively coordinate  
22 among federal agencies, resource managers and  
23 local landowners and stakeholders to achieve  
24 conservation results.

25 Third, how to effectively include

0019

1 non-federal partners in our decision making and  
2 alleviate disincentives for environmental  
3 stewardship.

4 Fourth, ways to effectively and better  
5 use science and scientific information to inform  
6 decision making. And, finally, mechanisms to  
7 resolve conflicts that exist in the requirements  
8 of federal laws.

9 On behalf of President Bush and Secretary  
10 of Agriculture, Mike Johanns, thank you for having  
11 me here today, and I look forward to hearing your  
12 thoughts.

13 But before that, we have one more member  
14 of the panel which is my pleasure to introduce,  
15 Ben Grumbles, Assistant Administrator of the  
16 Environmental Protection Agency for Water  
17 programs. He's had a long and distinguished  
18 career as a public servant. Like me, he serves  
19 both the legislative branch of government, where I  
20 first came to know him; and now the executive  
21 branch of government, working for the  
22 Administrator of the Environmental Protection  
23 Agency.

24 I'd like to say that he is an alumnus of  
25 the University of Texas, to get myself off the

0020

1 hook, but that wouldn't be true. He took his  
2 undergraduate degree in Wake Forest and his law  
3 degree at Emory University in Atlanta. And so,  
4 therefore, to the best of my knowledge, neither of  
5 his alma maters are involved in interscholastic  
6 competition at the present time with Ohio State.  
7 So, with that, Ben Grumbles.

8 MR. GRUMBLES: Let the record reflect  
9 that Mark Rey's remarks were followed by Grumbles.

10 Well, you know, it is an honor to be  
11 here. I'm here for the Administrator -- I'm the  
12 Assistant Administrator of EPA -- to focus on  
13 water.

14 I know that water is -- as we're hearing,  
15 is on everybody's minds throughout the state,

16 throughout this great country. I do have to say  
17 just like Brian, it can be humbling and gratifying  
18 and educational to get out and hear from folks  
19 outside of the beltway in Washington, D.C.

20 One of the first times I did that, I went  
21 to a conference where I was supposed to give a  
22 speech about all that was happening in Washington,  
23 on Capitol Hill and government. And right before  
24 I did that, I went to the restroom. And on the  
25 wall somebody had taken a sticky and put it right

0021

1 on top of the button, the button that you push to  
2 dry your hands after you've washed your hands.

3 And they put this sticky right on top of  
4 the button that said, "For urgent message from  
5 Washington, D.C., please press button."

6 I don't have an urgent message. We're  
7 here to listen. I will say that the President in  
8 charge of the EPA is accelerating environmental  
9 protection while maintaining our country's  
10 economic competitiveness. And so that's how we're  
11 charged.

12 The primary toolbox we use to advance  
13 that effort and to accelerate environmental  
14 protection is cooperative conservation. And that  
15 means a lot of things, but it means that the  
16 environment is everyone's responsibility. And we  
17 look for ways for innovative collaborative  
18 approaches, not confrontational top-down  
19 approaches.

20 There are three things I'll mention. One  
21 is the Administration has proposed legislation  
22 that seeks to do just that in the clean water  
23 arena. It's called the Good Samaritan Clean  
24 Watershed Act. It's pending in Congress.

25 We're excited about it because it retains

0022

1 the safeguards under the Clean Water Act to help  
2 clean up abandoned mine sites, but also provides  
3 incentives for truly good samaritans to step  
4 forward.

5 The second thing I'll mention is the  
6 Targeted Watershed Grants program. Under the  
7 President we've initiated a small seed grant  
8 program that is significant because it helps  
9 accelerate innovation through watershed  
10 protection.

11 I'm delighted to see the Miami River  
12 Conservancy here and also to acknowledge that  
13 Huff Run received a watershed grant not too far  
14 from here in the State of Ohio to spur innovation  
15 and make progress.

16 And the last thing along those lines is  
17 water quality trading. That's one of the EPA's  
18 areas of emphasis under cooperative conservation,  
19 water quality trading for water quality upgrading.

20 It's not about removing tools and

21 safeguards under the Clean Water Act. What it's  
22 about is trying to accelerate the pace of progress  
23 in restoring watersheds keeping in place the Clean  
24 Water Act tools, helping provide economic  
25 incentives so that those who don't have to and are

0023

1 not legally required to have incentives to step  
2 forward and help reduce runoff and other types of  
3 pollution.

4 I look forward to all your comments and  
5 like all of us, we really appreciate you being  
6 here. And I'll turn it back to you.

7 Thank you.

8 MODERATOR SENG: Thank you. I thank all  
9 three of you again for being here to listen.

10 I mentioned some resource folks who are  
11 available to take questions at the break or  
12 afterwards, and I have another one to add. Her  
13 name is Mary Reddan. She's a Field Supervisor of  
14 the Wayne National Forest for the U.S. Forest  
15 Service. And she's back here in blue  
16 (indicating). She's another person you can turn  
17 to if you have questions.

18 Now, we're going to have three short  
19 presentations on some of the existing cooperative  
20 conservation efforts that are going on in the  
21 local area. And the first of those would be by  
22 John O'Meara, who is the Executive Director of the  
23 Franklin County and Columbus Area Metro Parks.

24 Mr. O'Meara?

25 MR. O'MEARA: Thank you.

0024

1 We appreciate you coming to Columbus  
2 today to hear our views and share thoughts on how  
3 we can better extend cooperative efforts.

4 Metro Parks -- I was asked to speak on  
5 behalf of Metro Parks. Metro Parks is a local  
6 agency here in Columbus, a local park agency, but  
7 we are focused on conservation. For those not  
8 familiar with the system in Ohio, we have  
9 recreational programs that are operated by the  
10 City and we have local conservation districts that  
11 are regional in nature and are actually special  
12 districts under Ohio law. So we are a park system  
13 that keeps 90 percent of our land set aside for  
14 natural area for wildlife habitat to perfect the  
15 environment.

16 Metro Parks has benefited in many ways  
17 through the years through cooperative  
18 partnerships. And my message to you today is  
19 continue to partnership. They are absolutely  
20 essential for the success of local agencies, for  
21 state agencies, for local landowners, local  
22 conservation organizations to have strong  
23 partners.

24 We are -- A partnership is a fundamental  
25 approach to what we do, and we rely on

0025

1 partnerships with local landowners, local  
2 conservation groups in the state, other local  
3 governments like ourselves and, of course, the  
4 federal government.

5 We have been -- Metro Parks has been  
6 fortunate to benefit from several different  
7 cooperative efforts with the federal government.  
8 We've done cooperative projects with the U.S. Fish  
9 and Wildlife Services, restoring wetlands and  
10 protecting other habitat. We've got extensive  
11 efforts -- successful efforts with the National  
12 Restoration Conservation Service in restoring and  
13 improving wetland habitat in our parks.

14 We've worked cooperatively with Ohio EPA  
15 or U.S. EPA through various grant programs, the  
16 319 program, and also other programs, local-,  
17 state-funded programs that are supported by  
18 federal dollars, as well.

19 These programs have helped us achieve  
20 conservation goals in many respects. They've  
21 helped us protect additional land, particularly  
22 land sensitive to rare species and endangered  
23 species. We are fortunate in many respects in  
24 central Ohio that we still have very healthy  
25 stream systems around here.

0026

1 We talked about the difference between  
2 different parts of the country. And certainly the  
3 abundance of water here is different than what  
4 does exist out west and in other parts of our  
5 country we are blessed with an abundance of water  
6 here in central Ohio. I like to think of  
7 ourselves as being in the heart of the water belt.

8 Part of that abundance of water does give  
9 us the opportunity to protect many of the things  
10 that have lived there and many of the rare species  
11 that live -- remain still in Ohio are, in effect,  
12 depending on waters. They're depending on good  
13 quality wetlands and good quality streams.

14 Certainly Big Darby Creek just west of  
15 Columbus, you can be there in about 15 minutes, is  
16 designated as a state and national scenic river,  
17 so it's benefited from federal protection, as well  
18 as state protection. It has 40 threatened or  
19 endangered species living in and around the creek,  
20 including several heavily endangered species.

21 And so there is an area that Metro Parks  
22 has cooperated with the federal government, the  
23 state government and other local landowners and  
24 local groups to cooperate and hopefully protect so  
25 that hopefully 100 years from now those organisms

0027

1 that share our home here in central Ohio continue  
2 to share our home.

3 So we ask that the federal government  
4 remain a partner. I think to be a partner

5 requires several different aspects, one of which  
6 is we do need a regulatory approach for certain  
7 areas. The Clean Water Act is a good example. We  
8 need to protect our water quality. Those sorts of  
9 laws should be applied consistently.

10 We are very much dependent on good  
11 wetland protection laws, as well. We certainly  
12 hope the federal government will continue to help  
13 us protect wetlands.

14 We look for your support in other ways,  
15 as well, for educational activities, to give  
16 people the opportunity to come to these areas to  
17 enjoy them, to experience them. We do think it's  
18 important for people, if they're going to  
19 appreciate the natural areas that are being  
20 conserved, they have got to have an opportunity to  
21 experience them, so that's part of the picture, as  
22 well.

23 So with that in mind, I once again  
24 encourage all branches of the federal government  
25 to remain partners with our local state agencies,

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1 landowners and local conservation groups as we  
2 work to try to protect the best of what remains  
3 here in central Ohio and throughout the state.

4 Thank you.

5 MODERATOR SENG: Thank you, Mr. O'Meara.

6 I thought you were going to come to the  
7 podium. I apologize for that. But the other two  
8 are welcome to come to the podium, if you like.  
9 If you prefer to stand there, that's fine as well.

10 The second local conservation  
11 organization is represented by Margaret Ann  
12 Samuels, who is with the Friends of Alum Creek and  
13 Tributaries organization.

14 MS. SAMUELS: Thank you.

15 I want to thank you for coming to  
16 Columbus. The Friends of Alum Creek Tributaries,  
17 we call FACT, is one of at least seven  
18 watershed -- advocacy watershed organizations that  
19 are active in support of the well-being of the  
20 rivers and streams just in Franklin County, which  
21 is where we are right now.

22 FACT has used funding from the Section  
23 319 program of the federal Clean Water Act to  
24 produce a watershed action plan that state and  
25 local agencies turn to for policies that protect

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1 the watershed.

2 And as a watershed advocate, FACT  
3 supports strong environmental laws, including the  
4 Endangered Species Act, the Clean Air Act, the  
5 Clean Water Act especially, and forest protection  
6 laws. We do not want to see them replaced by  
7 voluntary programs.

8 FACT has sad experience with voluntary  
9 programs under which developers will chose the

10 least-cost and usually the least-effective  
11 measures to offset or mitigate damage that  
12 construction and development causes to streams and  
13 wetlands in urban, as well suburban and formerly  
14 rural areas in our watershed.

15 We want to be sure that working  
16 cooperatively does not mean weakening regulations  
17 that protect our water and forests and streams and  
18 wetlands and does not mean undercutting the  
19 protection of the Clean Water Act.

20 The federal government needs to give  
21 priority to the public interests in protecting our  
22 watersheds. And education is an essential tool  
23 for promoting cooperation with property owners and  
24 local government and voters.

25 Programs under Section 319 of the Clean  
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1 Water Act have been and continue to be extremely  
2 effective in promoting awareness, enhancement and  
3 protection of our watersheds. So many pollutants  
4 out there. FACT members spent many, many hours  
5 cleaning up litter on roadways and the streams  
6 just in our watersheds. And one of our members  
7 especially is forever promoting the notion that  
8 litter is a pollutant.

9 Alum Creek is an urban watershed. Urban  
10 areas present many special challenges for  
11 watershed protection, especially where rapid  
12 development is occurring.

13 FACT urges the Administration to increase  
14 emphasis on urban watersheds, particularly  
15 preservation of wetlands and riparian corridors,  
16 as well as support for grassroots organizations  
17 such as FACT.

18 We also would like to see stronger  
19 enforcement of the standards of Section 401 and  
20 404 of the Clean Water Act so that losses of water  
21 streams and wetlands in urban areas diminish or  
22 cease rather than simply transferring protection  
23 to centralized rural locations.

24 Urban residents need clean water,  
25 riparian areas and wetlands as well. Instead, we  
0031

1 sometimes see developments that destroy and pave  
2 over wetlands and tributaries without permits,  
3 knowing that they will not really be held to  
4 account.

5 There are programs such as the  
6 Conservation of Resources Enhancement Program -- I  
7 hope I have that right -- that pay rural property  
8 owners to provide habitat conservation and  
9 preservation. I would like suggest that urban  
10 property owners could similarly benefit from such  
11 programs.

12 The Department of Interior administers  
13 the land and water conservation fund of federal,  
14 state and local matching grant programs that has

15 supported natural resource protection and outdoor  
16 recreation in virtually every area of the country  
17 since 1965.

18 I understand that local assistance  
19 through that program has recently been greatly  
20 curtailed in favor of the cooperative conservation  
21 initiative.

22 We work closely with the Recreation and  
23 Parks Departments of the cities with our  
24 watersheds, as well as with the Metro Parks, which  
25 kindly provides us a place to live. And public

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1 access, trails and greenways that connect our  
2 parks and streams is a goal that we all share.

3 Local park departments are a great source  
4 of protection for urban watersheds, as well as  
5 making them available to the public. Programs  
6 that provide funding to accomplish that should not  
7 be curtailed.

8 Another critical area that FACT is  
9 involved with is municipal infrastructure for  
10 wastewater. As the sewer systems in our city age  
11 and system problems such as combined sewer  
12 overflow are identified, cities such as Columbus  
13 and the ratepayers in the city and the suburbs are  
14 incurring huge costs. The federal government  
15 needs to restore money for states to run out to

16 municipalities and grants for infrastructure  
17 improvements and restoration should be brought  
18 back.

19 These kinds of improvements benefit the  
20 entire populous through enhancing clean water, not  
21 only in the city but downstream, as well as  
22 drinking water.

23 Thank you for listening. We hope that  
24 listening also involves hearing.

25 MODERATOR SENG: Thank you, Mrs. Samuels.

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1 I have been informed we have another  
2 resource person available to take questions, if  
3 you have any, and that is Jim Morris, who is  
4 District Chief of the U.S. Geological Survey.  
5 Jim, are you -- Thank you for coming.

6 The third and final local speaker will be  
7 Dusty Hall, who is the watershed coordinator of  
8 the Miami River conservancy.

9 Mr. Hall?

10 MR. HALL: Thank you.

11 Good afternoon. I'm actually the Manager  
12 of Program Development for the Miami Conservancy  
13 District. The Miami Conservancy District was  
14 established in 1915. It, too, was a special  
15 district under Ohio statute. Our boundaries hold  
16 4,000 square miles of Great Miami watershed in  
17 southwestern Ohio.

18 Our core mission is the protection of

19 people and property from flooding. Efforts to  
20 improve water quality and enhance recreation and  
21 educate citizen and business leaders about water  
22 resources complement our flood-protection  
23 activities. So simply said, we're all about  
24 water.

25 During the last three decades we have

0034

1 seen tremendous water quality improvements in our  
2 watershed, primarily as a result of the Clean  
3 Water Act; however, on a river- and stream-mile  
4 basis, we remain about 40 percent short of state  
5 and federal water quality goals.

6 Like many rivers and streams in the U.S.,  
7 nonpoint pollution from urban and rural land uses  
8 is among our top remaining challenges. Since over  
9 80 percent of the land in our watershed use is for  
10 agricultural, nutrient management is near the top  
11 of those challenges.

12 So the Miami Conservancy District and our  
13 community partners began a discussion to explore  
14 ways to keep the nutrients in the farm fields.  
15 The Great Miami River Watershed Water Quality  
16 Credit Trading Program was born.

17 In a nutshell, through this program,  
18 state and federal regulators will allow some  
19 regulated wastewater treatment plants to  
20 substitute nonpoint source nutrient discharge  
21 productions for reductions at the plant.

22 This has a number of advantages. It may  
23 save the wastewater treatment plants money, and we  
24 fully expect it to yield environmental benefits  
25 that far exceed those available from upgrades into

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1 wastewater treatment plants alone.

2 For example, more pollutants will be  
3 reduced. Peak stormwater flows will be mitigated,  
4 carbon will be sequestered, streams may benefit  
5 from the shade, wildlife habitat will be created,  
6 floodplain function will be restored, new wetlands  
7 created and in a similar capacity, the streams can

8 be increased through this approach.

9 Now, this program wasn't born overnight.  
10 Two years of discussions and over 100 meetings  
11 with active and widespread participation included,  
12 of course, the wastewater treatment plants. We  
13 have five plants right now that voluntarily, on a  
14 pilot basis, have put \$1.2 million on the table to  
15 explore this option.

16 I'd like to thank the USDA NRCS  
17 Conservation Innovation Grants Program, which  
18 awarded us a \$937,000 grant that was particularly  
19 timely and enabled us to stay on track with  
20 program development.

21 Ben, thanks for the target watershed  
22 grant, as well. That's not a prime player with



23 the trading program, but we're making good use of  
24 that in other ways.

25 We had ag producers from throughout the  
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1 watershed at the table constantly and the soil and  
2 water conservation districts actually sponsor and  
3 bring forward the credit-generating projects.  
4 We've got about 12 active FWCPs in the program.

5 The Ohio Farm Bureau Federation has been  
6 a great partner. The Ohio Environmental Council  
7 has partnered as well with us during program  
8 evolution. The Ohio Department of Natural  
9 Resources, the Dayton Area Chamber of Commerce,  
10 last and certainly not least, the U.S. EPA and  
11 Ohio EPA who are providing the regulatory  
12 flexibility to make all this possible.

13 Now, the Miami Conservancy District and  
14 our partners all agree that innovative approaches  
15 should be adaptively implemented with the benefit  
16 of good science. So our trading program also  
17 funds a very aggressive nutrient-monitoring  
18 strategy that will result in the collection and  
19 analysis of over 2,500 nutrient samples annually  
20 from throughout our watershed.

21 The new data will help improve our  
22 understanding of our rivers and streams, help us  
23 make better decisions and, ultimately, shed some  
24 light on the efficacy of trading as an approach to  
25 achieving water quality goals.

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1 These data have already demonstrated that  
2 the only fully approved TMDL, state and federally  
3 approved TMDL, our watershed is wrong;  
4 overestimating loading by about 400 percent and  
5 proffering unachievable load-reduction targets.

6 Now, our trading program is young. We  
7 have completed one round of funding for best  
8 management practices. Thirty projects have been  
9 funded across five counties. More than 36 tons of  
10 nutrient discharges have been eliminated to  
11 practices such as no-till, pasture seeding,  
12 prescribed grazing, the government's crop  
13 rotation, conversion of agricultural strips, at a  
14 cost of about \$93,000.

15 Unfortunately, some practices proposed  
16 for nutrient reductions could not be considered  
17 for funding in our program because the practices  
18 lack a standardized method for estimating  
19 pollutant reductions from the proposed practice.  
20 So the federal government, in particular the  
21 research capabilities of the NRCS, could help  
22 alleviate these shortfalls.

23 In closing, I'll suggest there may be a  
24 largely untapped mutual interest in water quality  
25 improvement that can produce exciting new

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1 partnerships and cooperative conservation. The

2 trading program I briefly described was made  
3 possible by tapping the enlightened and shared  
4 self-interests of the agricultural community and  
5 the wastewater industry.

6 On a greatly expanded scale I'd like to  
7 challenge those of you here today who imagine that  
8 urban and agricultural America share an untapped  
9 mutual interest in clean and healthy rivers.

10 Cities, our cities, in particular, are  
11 rediscovering their rivers as unique recreational  
12 and development assets that can offer a  
13 competitive advantage. If you don't believe that,  
14 go back, go to your search engine on the Internet  
15 and type in "riverfront development", and you will  
16 see about 200,000 results.

17 Water trails have -- connecting those  
18 development waterfronts will expand the experience  
19 and benefits in the future. Likewise, enlightened  
20 agricultural producers recognize that healthy,  
21 vibrant cities are essential to stemming further  
22 encroachment of housing subdivisions and to  
23 productive agricultural lands.

24 So urban and rural communities alike  
25 benefit from vibrant cities, the connecting

0039

1 through it of healthy rivers. This, I think,  
2 might be the next frontier for cooperative

3 conservation.

4 Thank you very much.

5 MODERATOR SENG: Thank you, Mr. Hall.

6 Now, it's time for us to listen, to hear  
7 what you have to say. And so I'm going to go  
8 through again to the people that came in a little  
9 late, I'm going to go through the rules we have  
10 for keeping this under control.

11 When you came in, you got a little index  
12 card. It has a handwritten number on it. I'm  
13 going to call you to the microphone in that order.  
14 When I do call your number, please come to one of  
15 the microphones.

16 If it's not a problem, this microphone  
17 (indicating) will be preferable because it's  
18 closer to the Court Reporter and will help her to  
19 understand and make sure she captures everything  
20 correctly that you have to say.

21 We'd like you to give us your name, spell  
22 it, if it's not immediately obvious, the city and  
23 state where you're from, and if you're  
24 representing an organization, please state that,  
25 as well.

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1 Again, if you're not comfortable speaking  
2 tonight and you want to send comments, there's  
3 written contact information on the card as to  
4 where you can send your comments after tonight and  
5 all the methods of input will be weighted equally.

6           Perhaps most importantly, at least in  
7 terms of giving everyone a chance to speak, is we  
8 ask that you keep your comments to two minutes.  
9 And at two minutes, I'm going to flash you this  
10 card. That means wrap up. If you're still  
11 speaking at two minutes and 30 seconds, I will ask  
12 you to please stop and cut you off so we can move  
13 on.

14           I understand that two minutes is not a  
15 long time, but in the interest of allowing  
16 everyone a chance and keeping the format the same  
17 as the other sessions that are happening around  
18 the country, that is the process.

19           And, finally, I guess if anyone is  
20 abusive or says things off topic, then I reserve  
21 the right to cut you off for that, as well. We  
22 haven't had that issue and we don't expect it  
23 tonight.

24           With that, I would like to call Nos. 1  
25 through 5. If you would just line up at the mic.

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1       You will have to stand there for a few minutes or  
2 sit close to a mic, but that way we can just keep  
3 people coming instead of having to wait for people  
4 to walk up, again, in the interest of time.

5           So if No. 1 come up and then 2 through 5  
6 sort of line up or line up as No. 1 finishes,  
7 please.

8           MR. WILSON: Good afternoon. I'd like  
9 the record to note that No. 1 is a Buckeye.

10          I want to thank the representatives from  
11 the various agencies for coming here today. My  
12 name is Mark Wilson and I am from Columbus, Ohio.  
13 I'm President of Land Stewards. And I would like  
14 to share with you some thoughts on water quality.

15          As one of the speakers mentioned today,  
16 water quality is important to Ohioans. We have  
17 seen to shift our discussion away from the  
18 end-of-pipe water quality and on to this thing  
19 people call nonpoint source pollution. Mainly, I  
20 give that as man's use of the land.

21          It seems to me our discussion regarding  
22 man's use of the land and how we may fix a problem  
23 has shifted into solutions when, in fact, we may  
24 have jumped over what indeed is a problem. The  
25 question of what is a problem seems to be one in

0042

1       which we're not devoting enough of our time in  
2 addressing.

3           Mr. Grumbles, I believe your predecessor,  
4 Tracy Mehan was quoted as saying, "Although we  
5 have collected all sorts of data over the years,  
6 we cannot -- in a scientifically defensible  
7 way -- describe the quality of the U.S. waters  
8 today, quantify the progress made, and we cannot  
9 note what needs to be done."

10          I would interpret those comments to mean

11 we still don't have a good handle on what is the  
12 answer to the question: What is a water quality  
13 problem?

14 I would submit that we focus our limited  
15 resources, and I'm mainly talking public funding  
16 here, on real water quality problems, not  
17 perceived problems that are driven by headlines  
18 and people's emotions. I would submit that where  
19 agriculture is causing a water quality problem,  
20 we'll take care of it and we'll assume our  
21 responsibility in that way.

22 In closing, I'd like to add that the term  
23 "cooperative conservation" is something that's new  
24 to me. I have not heard that buzzword before, so  
25 I went online to look up what it means. And I

0043

1 would like to read what I pulled off the Internet  
2 site on cooperative conservation. It says,  
3 "Cooperative conservation has many faces. Its  
4 principles are simple. It's voluntary and  
5 incentive-based; people associate together  
6 voluntarily to pursue common conservation goals."

7 I would hope that the comments that are  
8 shared today focus on collaboration and voluntary  
9 incentives and partnerships, and avoid the  
10 slippery slope of regulation and regulating man's  
11 use of the land.

12 Thank you.

13 MODERATOR SENG: Thank you.

14 Numbers 2 through 5.

15 MR. HOPPER: My name is John Hopper,  
16 H-o-p-p-e-r. I'm from Columbus, Ohio. I'm here  
17 representing the Columbus branch of the National  
18 Audubon Society.

19 For over 30 years, distinguished  
20 panelists, the Endangered Species Act has been a  
21 safety net for wildlife on the brink of  
22 extinction. The ESA has prevented extinction for  
23 99 percent of those listed as endangered or  
24 threatened, including the American bald eagle, the  
25 gray wolf and Pacific salmon.

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1 Sixty-eight percent of the species listed  
2 are stable or improving. A case in point is the  
3 reappearance of the American bald eagle in and  
4 around the central Ohio region.

5 Cooperative conservation, though  
6 important, only works because it begets strong  
7 regulatory requirements which gives the public  
8 assurance that species will not go extinct.  
9 Cooperative efforts are important, but are not a  
10 substitute for the safety net provided by the  
11 Endangered Species Act.

12 The ESA should be strengthened, not  
13 weakened or shortchanged. Full funding for  
14 listing, recovery, consultation and cooperative  
15 conservation programs of the ESA will allow a

16 strong and successful law to do more to save the  
17 United States great national heritage.

18 Interior Secretary Kempthorne should  
19 cancel the planned September lease in the  
20 Teshekpuk Lake Special Area. Indeed, Congress and  
21 three Department of Interior Secretaries have  
22 previously recognized the ecological importance of  
23 the Teshekpuk Lake area.

24 Drilling in the Teshekpuk Lake will not  
25 solve the United States' energy problems and,

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1 indeed, drilling will fragment and damage one of  
2 the most important wetlands in the polar artic.

3 Teshekpuk Lake is a natural treasure with  
4 a unique and fragile wilderness that is home to an  
5 incredibly diverse variety of migratory birds and  
6 wildlife.

7 The wetlands surrounding Teshekpuk Lake  
8 provide prime nesting or molting grounds for  
9 waterfowl from three nations, nesting birds from  
10 six continents, and the rare yellow-billed loon.

11 Development of oil and gas fields in this  
12 fragile habitat will harm these birds and other  
13 wildlife, particularly the black brants that use  
14 this area during their very sensitive molting  
15 season.

16 We ask Secretary Kempthorne to recognize  
17 the importance of this area to wildlife and to  
18 cancel the plans of lease sale in the Teshekpuk  
19 Lake Special Area.

20 Thank you.

21 MODERATOR SENG: Thank you.

22 Number 3 or 5 -- 3, 4 or 5?

23 (No response.)

24 MODERATOR SENG: Numbers 5 through 10?

25 MR. MOORE: I'm No. 4.

0046

1 MODERATOR SENG: Thank you.

2 MR. MOORE: My name is Gary Moore of  
3 Centerburg, Ohio. I'm representing the Nature  
4 Conservancy as an Agriculture Policy Specialist.

5 Cooperative conservation partnerships are  
6 a cornerstone of the Nature Conservancy's work  
7 around the world. The Nature Conservancy applauds  
8 the administration's cooperative conservation  
9 grant programs that provide agencies the  
10 opportunities to work in collaboration with  
11 private landowners. Examples of such programs  
12 include the U.S. Fish and Wildlife Services  
13 Endangered Species Fund, Landowner Incentive  
14 Program and private stewardship grants.

15 We urge the administration to continue to  
16 expand centers for private land conservation,  
17 including the multiple opportunities available in  
18 reauthorizing the 2007 Farm Bill.

19 For example, the Scioto River CREP is a

20 model of conservation partnership. Since  
21 inception in 2005, 49,000 acres of conservation  
22 practices have been requested and the permit  
23 conservation easement component has provided a  
24 framework for conservation partners to develop  
25 working relationships with many conservation

0047

1 agencies and organizations and, in particular, as  
2 landowners under the state's Clean Ohio Fund to  
3 leverage funding for conservation easements and  
4 priority watersheds.

5 We would encourage funding for CREP  
6 monitoring and assessment of conservation results  
7 and also provide incentives for contiguous  
8 landowners that lack habitat protection for  
9 threatened species and targeted watersheds.

10 Additionally, demand for the Wetland  
11 Reserve Program here in Ohio exceeds funding by  
12 three-to-one. We encourage expansion of WRP to  
13 provide permanent protection for wetlands and for  
14 riparian corridors targeted towards the highest  
15 quality watersheds. This will include expanding  
16 the Wetlands Reserve Enhancement Program, for Ohio  
17 is one of only five states that chose to  
18 participate this year.

19 Finally, the next Farm Bill should have  
20 provisions that limit conservation of forest and  
21 rangeland and expand permanent easement programs.

22 We would also like to mention regarding  
23 the question on the best use of science that for  
24 over 20 years Ohio EPA has developed and used a  
25 model program of water quality monitoring using

0048

1 habitat by diversity rather than just chemical  
2 analysis.

3 This program should be used as a model  
4 for other states and these waters should receive  
5 top priority for protection through the 319 grants  
6 and funded programs.

7 Thank you very much.

8 MODERATOR SENG: Thank you.

9 MR. WAIDMANN: I just didn't quite  
10 understand, you mentioned 49,000 acres. Can you  
11 just explain that a bit?

12 MR. MOORE: The target for the  
13 conservation practices for the Conservation  
14 Reserve Enhancement Program is 70,000 acres here  
15 in Ohio. And since 2005, there have been very  
16 close to 49,000 acres, offered acres now that  
17 private landowners have stepped forward to  
18 voluntarily contribute or participate in this part  
19 of the program.

20 MODERATOR SENG: Thank you.

21 Number 5 or 6, 7?

22 Okay. Number 6.

23 MR. WETZLER: Good afternoon.

24 My name is Andrew Wetzler, W-e-t-z-l-e-r.

25 I'm here on behalf of the Natural Resources

0049

1 Defense Council and our over 250,000 members and  
2 activists in the midwest. Thank you all very much  
3 for coming out here and having these sessions.

4 NRDC has been working to conserve this  
5 nation's environment for the last 35 years, and we  
6 strongly support the use of incentives and  
7 cooperative conservation in order to further those  
8 protections.

9 But we learned a few lessons over the  
10 last 35 years, and one of the lessons we've  
11 learned is that cooperative conservation and  
12 incentive-based programs cannot work without the  
13 presence of clear, strong regulatory standards to  
14 set a baseline.

15 In short, you cannot have a functioning  
16 system which is voluntary in the state. It is  
17 these standards that have made laws like the  
18 Endangered Species Act and the Clean Water Act and  
19 many of our other foundational bedrock  
20 environmental laws such a success.

21 Just take the Endangered Species Act as  
22 an example. We know, as it's been mentioned, that  
23 the longer a species is listed and protected under  
24 the Federal Endangered Species Act, the more  
25 likely the Department of Interior is to conclude

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1 that that species is stable or improving, which is  
2 why the best thing that the Division of Wildlife  
3 service can do, that the President can do, is  
4 provide the Department of Interior and service  
5 with adequate funding for listing and other  
6 activities under the Endangered Species Act.

7 Too often the Department itself is  
8 hamstrung by its lack of ability to respond  
9 effectively and timely to the many, many forms of  
10 wildlife in Ohio and around the country, which are  
11 in need of protection under the Endangered Species  
12 Act.

13 Adequate funding also benefits  
14 landowners, as well. I think very often  
15 landowners justifiably complain that the Fish and  
16 Wildlife Service is slow to respond to things such  
17 as Section 7 consultations under the Act. That,  
18 too, is because of the inadequate funding.

19 So, in conclusion, I very much would like  
20 to echo the comments of the Nature Conservancy and  
21 the National Audubon Society and the Friends of  
22 Alum Creek, and emphasize that cooperative  
23 conservation cannot be a substitute for clear  
24 regulatory standards. We need to keep our safety  
25 net of environmental protections like the

0051

1 Endangered Species Act in place.

2 Thank you.

3 MODERATOR SENG: Thank you.

4           Number 7 or 8?  
5           MR. BROWN: Number 8.  
6           Good afternoon. I'm Steve Brown. I'm a  
7 broker with Irongate Realtors in Dayton, Ohio. On  
8 behalf of the Realtors in Ohio and the National  
9 Association of Realtors, I am pleased to have this  
10 opportunity to discuss cooperative conservation  
11 and share the perspective of the real estate  
12 community.

13           Realtors want to work with the Department  
14 of Interior to develop pragmatic solutions that  
15 protect and conserve our natural resources while  
16 protecting private property rights.

17           Implementation of the Endangered Species  
18 Act has wide-ranging impacts on the property  
19 owners' ability to use their land. Real dialogue  
20 on cooperative conservation must include, if not  
21 begin with, reform of the ESA.

22           I encourage the Interior Department to  
23 make changes to the ESA in 2006 so both landowners  
24 and conservation efforts may reap the benefits of  
25 these changes.

0052

1           Reform of the ESA could increase  
2 opportunities for voluntary conservation by better  
3 coordinating the existing conservation grant  
4 programs, encouraging greater voluntary  
5 participation in conservation programs, providing  
6 technical assistance to support voluntary  
7 conservation efforts, making agency review of  
8 these programs more efficient, and ensuring that  
9 no surprise guarantees apply to voluntary  
10 conservation agreements.

11           Another aspect of ESA that concerns  
12 Realtors involves the ESA's decision-making  
13 process and the extent to which regulatory  
14 decisions are based on best available science.

15           Ways to ensure these activities are  
16 incorporated into the ESA's process could include  
17 ensured compliance with the Data Quality Act in  
18 all ESA decisions; two, improve the data  
19 requirements for listing petitions in critical  
20 habitat regulations and designations, ensure that  
21 all data is made available for review by the  
22 public, and review and refine procedures,  
23 information, requirements and criteria for  
24 classifications of endangered species.

25           Realtors believe cooperative conservation

0053

1 must also involve reform of critical habitat  
2 designations. Consistent rules, policies and  
3 procedures for designating critical habitat should  
4 be established.

5           In addition, proposed critical habitat  
6 designations should undergo a rigorous and  
7 comprehensive cost/benefit and economic impact  
8 analysis to determine how the true cost of the



9 designation and how the designation will impact  
10 local communities and economics.

11 Finally, these designations must undergo  
12 periodic evaluations to assess the value of the  
13 designations on helping recover species.

14 To conclude, the real estate community  
15 supports timely action by the administration in  
16 bringing updates and improvements to ESA that one,  
17 make it easier for landowners, businesses and  
18 other organizations to protect endangered species;  
19 two, respect the needs of private property owners;  
20 and, three, encourage collaborative conservation  
21 that ultimately and equally benefits communities,  
22 citizens and endangered species.

23 Cooperative conservation that exists on  
24 voluntary, incentive-based collaboration at the  
25 local level will create the kinds of innovative,

0054  
1 practical policy solutions that will protect and  
2 preserve our country's national heritage. I want  
3 you to know that Realtors stand by to help in this  
4 effort.

5 Thank you.

6 MODERATOR SENG: Number 9.

7 MR. SHARP: Hi. My name is Adam Sharp,  
8 the Director of National Affairs for the Ohio Farm  
9 Bureau Federation and also formerly an EPA  
10 official, worked with the Office of Pesticide  
11 Programs in the EPA right around the corner from  
12 Mr. Grumbles. I also acted for a while as the  
13 Agriculture Advisor to the EPA administrator at  
14 the time Mike Leavitt.

15 Actually, I'd like to share -- And Ben  
16 probably wouldn't let me leave the stage  
17 unless -- I know he's already tired of me talking  
18 about pesticides, but I have to take a minute or  
19 two to talk about pesticides in regards to  
20 cooperative conservation.

21 A lot of times we point to programs,  
22 federal programs, state programs, et cetera, that  
23 we ask for more money. We ask for improved  
24 programs, new programs, expanded programs. The  
25 Farm Bureau is just as guilty as many others in

0055  
1 asking for more money for more programs.

2 I think one of the solutions, though, one  
3 of the things that you learn through the Food  
4 Quality Protection Act -- and this was the  
5 nation's new pesticide law that was passed in  
6 1996. One of the things -- There's several  
7 lessons, I think, that came out that were a great  
8 success for both the government and for  
9 stakeholders.

10 A few themes: First, public outreach.  
11 We had -- What had happened in 1996 was passed a  
12 new law that required review of all the pesticides  
13 laws in the country to new standards. And a

14 number of folks, agriculture, environment groups

15 and others, saw a train wreck coming, one way or  
16 the other, either for the environment or for  
17 farmers.

18 Ultimately what happened was the  
19 government stepping up to the plate, if you will,  
20 the USDA, the EPA, taking the time to put together  
21 advisory groups, stakeholders, folks put together  
22 a process that everybody understood and it was  
23 transparent.

24 The second point was that the government  
25 followed through. What was developed in that

0056

1 process through community involvement, stakeholder  
2 involvement, was stuck to. The USDA the EPA stuck  
3 to the process and walked through the system for  
4 ten years.

5 It was an arduous process that ultimately  
6 ended on time and under budget. Now, for a  
7 government program, that doesn't happen too often.  
8 But it ended on time and under budget just about  
9 three weeks ago on August 3, 2006.

10 It also demonstrated intergovernmental

11 cooperation, work between EPA and the USDA. For  
12 example, when there was risk that was discovered  
13 with a product, EPA had to cancel a product. They  
14 would work with USDA to find replacements for  
15 agriculture.

16 It was a simple system. Everybody  
17 understood the system, and it was simple. Too  
18 many times we create too complicated of a system.

19 Last, but not least, the point I would  
20 like to make is EPA has an agricultural liaison.  
21 I guess I would like to make a recommendation that  
22 perhaps USDA consider having an environmental  
23 liaison. Somebody who can act as a point person.  
24 Somebody who can take comments, receive comments  
25 and coordinate any discussions and activities with

0057

1 the other environmental agencies.

2 Too many times it's difficult to find  
3 somebody within USDA that can handle those kind  
4 of issues that come from the Department of  
5 Interior and other departments.

6 MODERATOR SENG: Thank you for your  
7 comments.

8 Number 10?

9 MR. DORAN: Good afternoon. Thank you  
10 for the opportunity to address you.

11 My name is Scott Doran, D-o-r-a-n, from  
12 the law firm of Vorys, Sater, Seymour and Pease,  
13 here in Columbus, Ohio, representing commercial  
14 and residential development interests for about 20  
15 years now on a variety of environmental issues,  
16 including, of course, wetlands and endangered

17 species protection.

18 I am going to hate myself in the morning,  
19 but I'm actually going to echo a theme that the  
20 gentleman from the NRDC brought up, which is clear  
21 and consistent regulations, timely  
22 decision-making. That's the difficulty that my  
23 clients face day in and day out in getting a  
24 decision out of the government.

25 They want to know what the guidelines

0058

1 are. They want to know how much it is going to  
2 cost. They want to know how long it's going to  
3 take. And I have got to tell you, I have been  
4 doing this for 20 years, and I still can't give  
5 you an answer to any of those things because it's  
6 different every time.

7 It depends on who you're working with,  
8 what core district you're working with, what U.S.  
9 EPA representative you're working with. It's  
10 extraordinarily difficult to make meaningful  
11 business decisions to allow these folks to provide  
12 the housing that people need at an affordable  
13 price.

14 They need guidelines. They need to be  
15 enforced. They need timely decisions. Currently  
16 it can take well over a year to get a permit out  
17 of the Buffalo District of the Army Corps of  
18 Engineers. A year. After you've gone through a  
19 year's worth of zoning, planning, approvals, then  
20 you go get your permit and it's, "Well, it's  
21 probably going to be about a year."

22 We had an endangered species issue where  
23 there were -- my client was informed we're  
24 concerned about the Indiana brown bat, but we've  
25 run out of funding. We can't get out there for

0059

1 six months.

2 They can't sit on a piece of property for  
3 six months while this gets resolved. Clear,  
4 consistent and timely decisions, that's what we  
5 need to make this work.

6 Thank you.

7 MODERATOR SENG: Thank you.

8 Number 11 and 12? If Nos. 12 and 13  
9 would be on deck and be ready to come forward.

10 MS. WILLIAMS: Good afternoon.

11 I'm Marcie Williams, M-a-r-c-i-e, Licking  
12 County, Croton, Ohio. I'm a farmer and Past  
13 President of Ohio Agri-Women and presently Vice  
14 President of American Agri-Women.

15 I'd like to thank you for allowing us to  
16 make our comments this afternoon. And I would  
17 like to read some of the policies that American  
18 Agri-Women have concerning land conservation and  
19 endangered species.

20 Our natural resources -- The government  
21 agencies that make decisions regarding natural

22 resource industries need to be held accountable  
23 for their decisions. There should be specific  
24 timetables, efficiency reports, cost of  
25 implementation, balancing the farms and effects of

0060

1 no management actions, and water quality.

2 AW supports the national water quality  
3 policy on nonpoint source pollution that gives  
4 states the control to develop and manage water  
5 quality programs specific to the state's own  
6 watershed issues.

7 Programs under the Clean Water Act should  
8 promote the use of voluntary best management  
9 practices by rural landowners, agricultural  
10 producers and urban natural resource users.

11 And wetlands, AW objects to public funds  
12 supporting easements for buyouts to nonprofit  
13 groups for large-scale wetland restoration that  
14 removes agricultural land from local tax rules and  
15 other local economic activities.

16 And endangered species, we require and  
17 ask the use of sound, verifiable and peer-reviewed  
18 science for making decisions.

19 We acknowledge extinction as a natural  
20 process of evolution and would like to pursue the  
21 recovery of only significant species.

22 We'd like to ensure protection of  
23 property owners from regulatory takings by local,  
24 state and national agencies. If property is  
25 taken, owners must be fully compensated for loss

0061

1 of property at fair market value, for loss of  
2 income and for expenses.

3 We would require feasible recovery plans  
4 and selection of recovery measures that are most  
5 cost effective and have the least negative social  
6 and economic impact.

7 And for personal remarks, I would also  
8 like to say that we would like to have agency  
9 programs that work for people that have already  
10 started their programs working in land  
11 conservation. We were unable to receive any  
12 financial assistance because we had already  
13 started stuff ourselves.

14 Thank you so much for being here today.

15 MODERATOR SENG: Thank you.

16 Number 12?

17 MR. WANLESS: Good afternoon.

18 My name is Brock Wanless. I'm the  
19 Director of Government Affairs for the Ohio Home  
20 Builders Association. That's W-a-n-l-e-s-s.

21 Good environmental laws are an important  
22 starting point for cooperative conservation.  
23 Unfortunately, today's laws do not protect the  
24 environment in the most efficient or effective  
25 way. Regulations are rarely admittable or

0062

1 collaborative or market-based solutions.

2 There are three important programs that  
3 can deliver positive results that would improve  
4 cooperation and look forward to the market, the  
5 Endangered Species Act, the Federal Storm Water  
6 Program and the Federal Wetlands Program.

7 The Endangered Species Act is over 30  
8 years old and is not working. Today less than one  
9 percent of 1,300 species that have been listed  
10 have been recovered.

11 Despite this dismal track record, the  
12 USDA continues to dictate what private property  
13 rights may -- what private property may be used.

14 The time has come to update and improve  
15 the ESA. In fact, improvements to the Act are  
16 long past due. Because 90 percent of all listed  
17 species are located on private lands, there must  
18 be a renewed effort to find cooperative,  
19 incentive-based solutions if real progress is to  
20 be made.

21 First, the data and science on which  
22 decisions are made must be improved.

23 Second, limitation of Section 7  
24 consultation requirements must be streamlined.

25 Third, critical habitat guidance must be

0063

1 developed to ensure that open and consistent  
2 designation process is followed.

3 Finally, opportunities for voluntary  
4 conservation efforts must be increased.

5 The second program I'd like to highlight  
6 is the NPDES Stormwater Program. The current  
7 stormwater regulations are complex, confusing,  
8 costly and oftentimes duplicate the efforts of  
9 state and local governments.

10 Furthermore, the lack of compliance,  
11 assistance and the agency's overbearing focus on  
12 punitive enforcement reduces the program's  
13 legitimacy and thereby its effectiveness. The  
14 following suggestions could improve the water  
15 quality while facilitating compliance.

16 First, the permit program must be  
17 streamlined and simplified by duplicate permit  
18 requirements.

19 Second, the EPA and the states should  
20 collaborate to develop consistent enforcement  
21 policies that focus on environmental protection.

22 Third, watershed partnership programs  
23 should be developed to facilitate innovative and  
24 improved long-term compliance. Clearly stormwater  
25 regulations that are well coordinated, simple and

0064

1 fair will encourage compliance and, in the end, do  
2 more to protect rivers and streams than the  
3 current system.

4 Finally, I'd like to touch on an

5 opportunity presented by the Clean Water Act,  
6 Section 404, Wetlands Program. The Wetlands  
7 Program in process is lengthy, difficult and  
8 continues to be filled with confusion and  
9 uncertainty. To elicit better cooperation between  
10 the federal government and property owners,  
11 administrative guidance must be issued to clarify  
12 which waters and wetlands are subject to federal  
13 jurisdiction.

14 The program must also be reformed to  
15 streamline the permit process and provide  
16 regulatory incentives for landowners who take  
17 steps to protect wetlands.

18 MODERATOR SENG: I'm sorry. That's all  
19 your time. If you have additional comments, you  
20 may put them in the box.

21 MR. WANLESS: I'm finished.

22 MODERATOR SENG: Thank you.

23 Number 13.

24 MS. MARIDA: My name is Patricia Marida,  
25 M-a-r-i-d-a. I belong to a number of

0065

1 environmental organizations including the Sierra  
2 Club and watershed organizations including the  
3 Friends of Alum Creek of whom Margaret Ann Samuels  
4 spoke of earlier, but tonight I'm speaking as a  
5 private citizen.

6 I want to talk about externalization of  
7 costs. And we're asking why the Bush  
8 administration is seeking to weaken the Clean  
9 Water Act and the Endangered Species Act. Is it  
10 in order to reduce the costs? In other words,  
11 increase the confidence of industry.

12 The cost of goods or energy produced  
13 should include the cost of leaving the environment  
14 as clean as it was before the product was produced  
15 and include the cost of leaving the health of  
16 workers as good as it was before the product was  
17 produced.

18 Leaving the environment and the health of  
19 workers in a wreck after producing a product is  
20 called externalization of costs. If we want a  
21 product such as electricity, the public should not  
22 have to pay for it with our health. We should not  
23 have to pay for it by seeing our beautiful places  
24 become destroyed and degraded.

25 And to finish, that more jobs are

0066

1 available in areas of the country where the  
2 environment has been kept in good shape. The  
3 value of aesthetics and living in beautiful places  
4 is beyond measurement and beyond measurement of  
5 cost data.

6 In Ohio and across the country, citizens  
7 are paying for the cleanup, if it is really  
8 possible to clean it up, that is, of nuclear and  
9 Superfund qualifying and other contaminations left

10 by bankrupt industries.

11 Now, how is this saving the public money?  
12 Many areas have been degraded to the point where  
13 it would take hundreds of years for them to be  
14 restored to their original quality. You have to  
15 wait, and we'll have to pay. Yes, goods will cost  
16 more money but, in actuality, in some cases, this  
17 has shown companies can save money at the same  
18 time that they protect the environment.

19 But if we want a product, we must be  
20 willing to pay the full cost of its production.  
21 So I am here to say that I am willing to pay for  
22 the full cost of the products that I need and use.

23 I'd like to talk about some other  
24 specifics, particularly the land and water  
25 conservation fund that Margaret Ann Samuels

0067

1 referred to. Currently, the federal and the state  
2 assistance programs are fighting for survival.  
3 And we want cooperative conservation as we give  
4 support for this fund.

5 And the Bush administration has also  
6 proposed selling off our national parks, and  
7 that's -- the money raised by selling our parks  
8 would be used to pay the debt to the federal  
9 government. And the creation of the parks was  
10 made possible by the cooperative work and support  
11 of the American public over the past hundred  
12 years.

13 MODERATOR SENG: That's your time.

14 MS. MARIDA: Thank you.

15 MODERATOR SENG: Number 14? Numbers 14,  
16 15, through 20? Are you No. 15, sir?

17 MR. ACTON: Number 16.

18 MODERATOR SENG: Number 16.

19 MR. ACTON: Hello. My name is Bill Acton  
20 spelled, A-c-t-o-n. I'm an environmental  
21 scientist from Columbus, Ohio representing the  
22 Central Ohio Building Industry Association, the  
23 National Association of Home Builders.

24 We're concerned with the recent U.S. Army  
25 Corps of Engineers extension of jurisdiction in

0068

1 agricultural areas that were previously determined  
2 to be, quote, "private" under the memorandum of  
3 understanding between the Corps of Engineers and  
4 the Natural Resources Conservation Service.

5 This memorandum of understanding was  
6 mutually terminated by the Corps and the NRCS last  
7 year, leaving the Corps with the responsibility of  
8 determining the extent and jurisdiction of  
9 wetlands in attentatively and actively farmed  
10 areas.

11 Regulatory Guidance Letter 82-02 states  
12 that "Many areas of wetlands converted in the past  
13 to other uses would, if left unattended for a

14 sufficient period of time, revert to wetlands  
15 solely through the devices of nature. However,  
16 such 'normal circumstances' are not what is meant  
17 by 'normal circumstances' in the definition quoted  
18 above. 'Normal circumstances' is determined on  
19 the basis of actual, present use of an area.  
20 Thus, it is the Corps' policy that once a wetland  
21 has been converted to another use which alters its  
22 wetland characteristics to where it is no longer  
23 a, quote, 'water of the United States' that area  
24 will no longer come under the Corps' regulatory  
25 jurisdiction," end quote.

0069

1 The Regulatory Guidance Letter 82-02 was  
2 released in 1982, it was reaffirmed, and is still  
3 applicable today in May of 2005. I note that in  
4 an area its present use must exhibit the three  
5 characteristics of the Army Corps of Engineers'  
6 definition, that being hydric soils, wetland  
7 hydrology, and hydrophyte vegetation.

8 The Corps has recently informed the  
9 regulated community that areas of mass hydric  
10 soils contained within active agricultural fields  
11 only need to exhibit one of the three  
12 characteristics. This document has been  
13 extrapolated from the 1987 U.S. Army Corps of  
14 Engineers Wetland Delineation Manual.

15 The Corps has asserted that human  
16 activities, including destruction of vegetation  
17 and disturbance of soils resulting from plowing  
18 justify this approach. The areas I speak of are  
19 continuously farmed at present and were farmed  
20 well before the Clean Water Act; however, were  
21 showing signs of wetland hydrology due to failing  
22 or aged field plows.

23 This is of particular concern in central  
24 Ohio and many other agricultural regions as many  
25 field plow systems are aging and beginning to

0070

1 fail.

2 The Corps has also asserted that recent  
3 crop failures in those areas indicate  
4 jurisdictional wetlands. Three of the last five  
5 years of aerial photography indicate signatures of  
6 moist soils or stressed crops.

7 My concern as an environmental scientist  
8 is that agricultural wetlands have been converted  
9 prior to the Clean Water Act, which are now  
10 beginning to revert from lack of maintenance and  
11 field plow systems are becoming jurisdictional.  
12 They're subject to the same regulation as  
13 undisturbed wetlands. These areas serve little or  
14 no environmental benefit and certainly do not fall  
15 within a no net-loss policy.

16 Furthermore, as a consultant to the HUD  
17 building industry, I'm concerned that these areas



18 of little or no environmental benefit cost between  
19 30- and \$50,000 an acre, and result --  
20 MODERATOR SENG: Your time is up. I'm  
21 sorry.

22 Number 17, 18, 20, 20 through 25?

23 What number, sir?

24 MR. INGLIS: Number 21.

25 Hello, my name is Jim Inglis,

0071

1 I-n-g-l-i-s, from Upper Sandusky, Ohio. And I'm  
2 Regional Wildlife Biologist for Pheasants Forever  
3 here in Ohio. And I'm going to talk a little bit  
4 about Farm Bill Programs and some programs here  
5 that have worked very well.

6 I'd like to talk about the conservation  
7 delivery programs and some of those partnerships  
8 here. We've had some challenges here promoting  
9 and implementing some conservation programs  
10 because there's been a lot of programs that we've  
11 had to deal with, we hear almost 50,000 acre  
12 numbers in a year-and-a-half here in Ohio.

13 And a lot of times there's other programs  
14 that are going on at the same time, so having  
15 adequate people on the ground to promote and  
16 implement programs can be a concern.

17 Last year we had meeting with the Ohio  
18 Division of Wildlife and NRCS to address some of  
19 these and to get more technical assistance on the  
20 ground to aid landowners and agencies. The answer  
21 was to pull together some state and local funds  
22 and match them with federal technical assistance  
23 dollars to put what we call Farm Bill biologists  
24 in areas where they were needed most.

25 There's no question that if you have

0072

1 people on the ground that can visit landowners in  
2 the field, you're going to get more and better  
3 conservation done. By partnering and matching  
4 federal and state, local funds, we're able to get  
5 more done with less. If we get more opportunities  
6 like this, then we can have multiple partnerships  
7 pulling this together.

8 The second thing I'd like to talk about  
9 is a project that would benefit broader  
10 cooperation among agencies is the management of  
11 the double-crested cormorant. Our population of  
12 this nesting water bird exploded in recent years.  
13 These birds nest on critical islands in the Great  
14 Lakes and they're actually destroying them in some  
15 cases.

16 Ohio has begun an aggressive management  
17 program to reduce cormorant populations to protect  
18 habitats for state endangered species. Two  
19 federal agencies, USDA's Wildlife Services and the  
20 Interior's Fish and Wildlife Services along with  
21 several state agencies have worked together to

22 draft this plan.

23       There is an urgent need for federal and  
24 state agencies to address this issue on a regional  
25 level. Over 6,000 cormorants were removed from

0073

1 Lake Erie, and there's 32 nesting pairs just north  
2 in Lake Michigan. Every few weeks these birds are  
3 going to migrate and continue to cause problems.

4       Thank you.

5       MODERATOR SENG: Thank you for your  
6 comments.

7       Number 22?

8       MR. SPECK: Sam Speck, Director of the  
9 Ohio Department of Natural Resources. I have  
10 submitted comments in written form and so I'll try  
11 to be short and listen to the good things we're  
12 hearing from others.

13       We do appreciate the opportunity for  
14 dialogue on cooperative conservation and  
15 environmental partnerships. We could spend a good  
16 bit of time this afternoon talking about all the  
17 progress we are making working together on a  
18 number of fronts, on water and wildlife and soil  
19 and the like, but there also are a number of  
20 challenges and some of those challenges are  
21 growing.

22       The challenge of megafarms, which in many  
23 respects we support, that also brings new  
24 challenges to the environment.

25       The challenges of ethanol, which we

0074

1 strongly support here in Ohio, but in terms of  
2 water use and in terms of more farming creates new  
3 environmental challenges if not properly managed.

4       Urban dispersal provides new  
5 opportunities for our population. It also carries  
6 with it challenges with respect to wildlife,  
7 nonpoint source and the like.

8       And now we're seeing a massive show of  
9 private forests here in Ohio that has been taking  
10 place and with that the threat of  
11 fractionalization of those forests and the  
12 problems that can come out that, so we're  
13 particularly pleased with the support of the  
14 Forest Legacy Program.

15       In respect to the first question that you  
16 asked, we would strongly identify with the  
17 preference for voluntary incentive-based programs.  
18 Programs such as EQIP, CREP, and CRP, Section 319,  
19 the Forest Legacy Program and Farm Bill  
20 conservation initiatives. That does not mean that  
21 we oppose the regulatory programs that we think  
22 are necessary in partnership, although there are a  
23 number of cases deserving of change.

24       In respect to the second question how we  
25 can enhance cooperation among federal agencies and

0075

1 with state and local communities of environmental  
2 protection and the like, we would simply say that  
3 many programs could be better focused for local  
4 conditions and priorities. Now, I'm going to use  
5 as examples the red flag has been shown, and  
6 you'll see that in my formal testimony which  
7 you've already received.

8 Thank you.

9 MODERATOR SENG: Thank you.

10 Number 23?

11 MR. WOLFINGER: Hello. Jake Wolfinger,  
12 W-o-l-f-i-n-g-e-r. I'm from Lancaster, Ohio, and  
13 I'm on behalf of the Ohio Cattlemen's Association.  
14 I would like to thank the Administration for  
15 recognizing cattlemen as stewards of the land.  
16 Working ranchers maintain open spaces and  
17 cattlemen have an inherent interest in  
18 conservation of land and water resources. We  
19 thank you for recognizing our industry as ready  
20 and willing partners in conservation.

21 Along these lines there are a few things  
22 we continue to need help with. The loss of calves  
23 to black-headed vultures is a growing predatory  
24 problem in Ohio. We appreciate the USDA Wildlife  
25 Service's efforts to speed up the permitting

0076

1 process for vulture control.

2 In some areas, however, we need more  
3 active management of vulture populations. When  
4 swarms of birds actively attack cow herds and take  
5 calves, there should be a stronger remedy than the  
6 lengthy permit process and limited management  
7 currently available. Please help us to get  
8 control of these areas to effectively control  
9 black-headed vultures.

10 The Cattlemen actually await the issues  
11 of new regulation for implementation of the  
12 Endangered Species Act. Producers need the  
13 regulatory certainty that these regs can provide.

14 We understand that Deputy Secretary  
15 McArthur's office has spent a great deal of time  
16 on the ESA regs, and we look forward to their  
17 releases.

18 Thank you.

19 MODERATOR SENG: Thank you.

20 Number 24?

21 MR. PORTER: My name is Malcolm Porter,  
22 M-a-l-c-o-m P-o-r-t-e-r, Associate Member of the  
23 Building Industry Association of Central Ohio and  
24 National Association of Home Builders.

25 Briefly, I would echo the comments made

0077

1 earlier about clear and concise decision-making  
2 and to those who are concerned about the ultimate  
3 hammer, the process itself is a significant hammer  
4 to those who are in our business. But allow me to  
5 suggest briefly a couple of other thoughts for

6 your consideration.

7 Why do property owners and home builders  
8 ultimately care about costs? Don't they just pass  
9 those costs along? The reality in central Ohio is  
10 this: That for every \$1,000 increase in the cost  
11 of a new home, 2,195 central Ohio households will  
12 no longer qualify for a mortgage. A \$1,000  
13 increase in the cost of a home, 2,100 central Ohio  
14 households fall below lending qualifications by  
15 the FHA for a 30-year, \$150,000 mortgage, which is  
16 generally the entry level price in our community.

17 We care not only what it costs in direct  
18 terms, but we care about what it costs to our  
19 customers, which are ultimately the homeowners in  
20 our community.

21 I would ask if any of you happened to  
22 pick up a newspaper today on your way in from the  
23 airport and you saw the lead story on exclusionary  
24 zoning in our suburban communities. People can no  
25 longer afford to work in those communities as

0078

1 public employees, government employees, because of  
2 the cost of a home.

3 The number one issue that drives costs in  
4 our suburban new-built environment is the use of  
5 land. And so my suggestion to you for your  
6 cooperative conservation program would be a  
7 program that would work with the local officials  
8 around the issues of density.

9 We continue to use more and more land in  
10 our new-built environment over our existing  
11 environment. Certainly development interests and  
12 conservation interests share in common the issue  
13 of density as a way to take demand out of the  
14 system for land that causes challenges, that  
15 whichever side of this perspective you bring, we  
16 should share in common.

17 Thank you.

18 MODERATOR SENG: Thank you.

19 Number 25?

20 MR. WOLPER: Good afternoon. My name is  
21 Eric Wolper, and I'm a grain farmer from  
22 Fayetteville, Ohio. I'm representing the Ohio  
23 Farm Bureau.

24 MODERATOR SENG: First, Spell your last  
25 name.

0079

1 MR. WOLPER: W-o-l-p-e-r.

2 First, I'd like to thank Chief of Staff  
3 Waidmann, Under Secretary Rey, and Administrator  
4 Grumbles for providing this opportunity to express  
5 my concern as an Ohio agricultural producer and  
6 landowner regarding the need for cooperation and  
7 collaboration amongst federal and state  
8 governments and the private sector.

9 The private sector has taken the lead in  
10 the development of markets for trade in pollutant

11 credits. The promise to create a system for the  
12 development of pollutant credits for sale, as a  
13 result, enhances and improves the overall quality  
14 of our water and air.

15 Multiple innovative approaches are being  
16 piloted across the country, including Ohio's Miami  
17 Conservancy District effort which we heard about  
18 earlier today. Essential to the success of these  
19 pilot programs is creating a flexible environment  
20 that allows the industry to both develop and  
21 discover what approaches are most effective.  
22 Cooperation, communication and coordination  
23 between federal and state governments must occur  
24 to conclude well-intended actions from hindering  
25 or stopping the development of this industry.

0080

1 We ask the federal government to continue  
2 to reinforce the message that credit trading  
3 programs are programs it wants to use and will  
4 allow them to work.

5 States, in coordination with the federal  
6 government, should provide an environment that  
7 provides flexibility and latitude to allow the  
8 private sector to learn what does and does not  
9 work and refrain from developing a regulatory  
10 system that precludes innovation and  
11 participation.

12 As the private sector strives to develop  
13 this industry, it is identifying the contribution  
14 of various conservation practices to the reduction  
15 of pollutants in our air and water.

16 As a result, scientifically based  
17 estimates and measurements of pollutant reductions  
18 are being attributed to specific practices  
19 installed in certain conditions. The creation of  
20 these de facto pollutant credits for individual  
21 conservation practices will be essential to the  
22 creation of these pollutant credit trading  
23 markets.

24 Government can greatly assist development  
25 of these markets by validating specific industry

0081

1 measurements of the pollutant reduction achieved  
2 by these conservation practices.

3 NRCS would be an ideal agency to provide  
4 a non-biased assessment of the value of these  
5 conservation tools for purposes of the credit  
6 trading.

7 In short, cooperative conservation should  
8 include governmental collaboration with the  
9 private sector that protects the industry from  
10 stress and rigor within flexible rules and offers  
11 assistance in providing non-biased assessment of  
12 private sector efforts to quantify the  
13 contribution and conservation practices to the  
14 pollution reduction.

15 MODERATOR SENG: Thank you.

16           We've been going for about an hour and 40  
17 minutes. I see some of you are getting restless,  
18 so I think we're going to take a short break. We  
19 will convene at 6:00 o'clock. We will start  
20 promptly at 6:00 o'clock. The bathroom is right  
21 outside to your right.

22           (Recess taken.)

23           MODERATOR SENG: Just a few housekeeping  
24 details before we start back in.

25           Assistant Administrator Grumbles had to  
0082

1 catch a flight for the west coast, so he is now  
2 being represented by John Perrecone, who is the  
3 Ecosystems Project Manager for EPA Region 5.

4           I spoke to all three of the gentlemen on  
5 the podium at the break and all were impressed  
6 with the high tone and the good quality of  
7 substantive comments that have been made so far,  
8 so thank you very much for that and we hope that  
9 trend continues.

10           I want to make a note that if you have  
11 written comments, if you have brought written  
12 comments with you and you don't have a chance to  
13 get through them all in the time frame or even if  
14 you do, if would you please leave those in the box  
15 on the table outside so that we give them to the  
16 Court Reporter so she can make sure -- She's  
17 scrambling to try to keep up because you have to  
18 meet your time deadline, so if we have those  
19 written comments we can capture exactly what you  
20 wanted to say to the group.

21           And, finally, as a final resource person  
22 we have a representation from the Farm Service  
23 Agency at the USDA, John Stevenson, the State  
24 Executive Director. There's John if you want to  
25 talk with him afterwards (indicating).

0083

1           With that, we'll dive right back in.  
2 We're taking comments. We're up to No. 26?  
3 Number 26 care to make comments?

4           (No response.)

5           How about 27 through 30?

6           What number?

7           MR. RUMA: Number 30.

8           MODERATOR SENG: Anyone below 30, please?

9           (No response.)

10           MR. RUMA: My name is Charlie Ruma,  
11 spelled R-u-m-a. I'm a home builder here in  
12 Columbus, Ohio.

13           I'm on the Ohio House Finance Agency and  
14 I'm also a member of the Ohio to Erie Bicycle  
15 Trail Board.

16           I'm here basically as a home builder.  
17 I'm a real estate developer. I'm considered  
18 generally a bad guy for most of the communities  
19 that's in this room. I think I'm one of the best  
20 environmentalists in the room and done more to

21 effect the environment, either good or bad, than  
22 most people. I have just a few comments I'd like  
23 to make.

24 First of all, I think it's important for  
25 us to get one set of rules. We deal with federal

0084

1 regulation and then we deal with state regulation,  
2 and they're in conflict. And it's time for us to  
3 get one set. If we're going to talk about  
4 cooperation, let's deal on the same page so we  
5 know what the game is and then we'll comply.  
6 That's what we normally do.

7 Secondly, the whole essence of us dealing  
8 with the environmental issue comes down to either  
9 somebody who is really concerned about the  
10 environment or somebody who doesn't want growth.

11 At some point in time the environmental  
12 community has got to understand that if they  
13 continue to cooperate with the no-growth that has  
14 been -- all we have is strife and we never get  
15 anywhere.

16 The example is simple. We went to the  
17 environmental community on a large piece of ground  
18 here in Columbus, Ohio. We said, "Tell us what  
19 your concerns are about this piece of property.  
20 We know we're two miles away from the Darby Creek.  
21 What would you like to see? What are your  
22 concerns?"

23 They gave us a list. We went to an  
24 engineering firm. We did everything to figure  
25 out, temperature, water, how much water was

0085

1 flowing off that site, how to handle sanitary  
2 sewer. We did it all. Created wetlands so we  
3 filter the water. We said, "Okay. Here it is.  
4 We're going to go for approval of this project.  
5 Would you help us out?" Not one person showed up.

6 I think if there's going to be  
7 cooperation and the environmentalists are  
8 concerned about the environment, they need to work  
9 with the development community, not the no-growth  
10 community.

11 Lastly, I'll say this very quickly, we  
12 need flexibility. Right now there's no common  
13 sense in dealing with the environmental laws.  
14 It's black or white. We need a lot more gray in  
15 the situation so that we can make decisions about  
16 overstepping the bounds because it makes common  
17 sense. And it's --

18 MODERATOR SENG: We're out of time.

19 MR. RUMA: Thank you.

20 MODERATOR SENG: Thank you.

21 Numbers 31 through 35.

22 (No response.)

23 Numbers 36 through 40?

24 What number, please?

25 MR. TUTTLE: Number 40.

0086

1           MODERATOR SENG: Thank you.

2           MR. TUTTLE: My name is Richard Tuttle,  
3 T-u-t-t-l-e. I'm a retired middle school science  
4 teacher. I'm a volunteer eagle watcher for the  
5 Ohio Division of Wildlife.

6           Many of Ohio's eagles have a problem.  
7 They lack strong, mature trees to actually support  
8 their large nest, nests that become heavier year  
9 after year as new nesting material is added.

10          Historically, strong trees such as oaks  
11 supported the nest or Sumac. Today too many of  
12 our eagles are forced to nest in cottonwood trees,  
13 which have proved to be too weak to support eagle  
14 nests for long term.

15          I propose a program, Oaks for Eagles, be  
16 launched to encourage school children to plant oak  
17 saplings on public lands where eagles have nested,  
18 should have nested in the past, or could nest in  
19 the future if the proper trees grow in the  
20 location. Wildlife biologists would select the  
21 sites.

22          Fencing four fence posts and a plaque  
23 explaining the program would protect the saplings  
24 during their maturing years. Make ceremony a part  
25 of each tree's planting. Young people in our

0087

1 culture are short on ceremony.

2          Veteran conservationists know that some  
3 of their work might not bear fruit in their own  
4 century. I do know that eagles have a strong  
5 celebrity status among all ages. And if children  
6 raise money for an oak tree and celebrate its  
7 planting an eagle habitat, most will visit their  
8 trees for the rest of their lives, even though  
9 their oak may not shelter eaglettes until their  
10 grandchildren walk on this earth.

11          Such a program would teach classical  
12 conservation while bringing the missions of  
13 multiple agencies into focus. Oaks for Eagles,  
14 conservation for posterity.

15          Thank you.

16          MODERATOR SENG: Thank you for your  
17 comments.

18          Number 41?

19          MR. WAIDMANN: If I could just ask a  
20 question of the previous speaker, did oaks used to  
21 be prevalent in Ohio?

22          MR. TUTTLE: Yes.

23          MR. WAIDMANN: And then what happened?

24          MR. TUTTLE: Well, they were harvested,  
25 cut down for farming or timber. And ask any of

0088

1 the -- Ohio, by the way, has a tremendous success  
2 rate with our eagles, and the experts are here,  
3 and in all the workshops we have for our eagle  
4 volunteers, that's one of the things that we're



5 taught, that our oaks are not big enough.  
6 Our forests are growing back, as you've  
7 already heard, but a lot of the oaks are not big  
8 enough to hold our eagles. Plus, if you look at  
9 the habitat where the eagles are at, this is eagle  
10 habitat. The one thing that would enhance it  
11 would be proper nest sites.

12 And our cottonwoods grow quickly, but  
13 it's a soft, weak wood. So -- But I'm more  
14 talking about the education than the conservation  
15 part. Conversation will only be conservation if  
16 we sell our kids on just getting excited about  
17 our --

18 MR. WAIDMANN: One last question. What's  
19 the life -- How long does it take for a oak -- How  
20 old does it have to be to sustain a nest?

21 MR. TUTTLE: Probably a couple of hundred  
22 years. So we're talking about something that  
23 would almost be a spiritual type thing. That's  
24 what we all should be doing anyhow. That's why  
25 we're having the meeting.

0089

1 MODERATOR SENG: Number 41?

2 MR. ROMIG: Bob Romig. I'm with the Ohio  
3 Forestry Association as Executive Director.

4 MODERATOR SENG: Could you spell the last  
5 name, please?

6 MR. ROMIG: R-o-m-i-g.

7 I want to remind you we have inherited a  
8 tremendous natural forest system, and I'm  
9 concerned that it's being threatened. And it's  
10 being threatened by policies that prevent the  
11 Forest Service from applying the science that they  
12 know and have continued to generate.

13 I implore you to apply that science to  
14 these forests. It would be tragic if we, in our  
15 generation, are unable to pass this heritage on to  
16 our next generation.

17 Oftentimes when we take the no-cut  
18 theory, the idea is that we're stimulating  
19 tourism. Selling fishing worms to people in  
20 Cleveland is not sound economic development, and  
21 it's a damage to our forests. So I implore you to  
22 apply the research.

23 We do a lot of research here in Ohio and,  
24 actually, we're preparing to do some harvest here,  
25 but if we're to get the diversity of wildlife

0090

1 species and plant species that we inherit, it's  
2 going to require cutting some trees.

3 Thank you.

4 MODERATOR SENG: Thank you for your  
5 comments.

6 Number 42?

7 Numbers 42 through 45?

8 Numbers 40 through 50?

9 What number?

10 MR. GALLAWAY: Number 46.  
11 MODERATOR SENG: Thank you.  
12 MR. GALLAWAY: Hi. My name is

13 Mike Gallaway, G-a-l-l-a-w-a-y. I work for the  
14 Ohio Environmental Protection Agency in the  
15 Division of Surface Water. And my role could best  
16 be described as Project Leader of the Big Darby  
17 Creek. I think I'm a bit of an oddity here. I  
18 read the questions and tried to come up with  
19 answers to the questions. I am going to give you  
20 brief comments on each question.

21 You asked about conservation programs. I  
22 think we need to provide incentives to landowners  
23 to protect existing critical habitat for  
24 endangered species. We have incentive programs to  
25 help spur conversion of land to conservation

0091

1 practices, but we don't have any incentives to  
2 protect land that's already in place for existing  
3 conservation.

4 How can you help with conservation laws?  
5 Certainly I think everyone wants clarity on what  
6 we see as conflicts in the Clean Water Act in  
7 terms of the Army Corps of Engineers' authority  
8 with dredging and filling the streams and the  
9 conflict of trying to restore streams to be  
10 fishable and swimmable is a goal of the Clean Water  
11 Act.

12 How can you provide or cooperate with  
13 science? We need USGS's funding. USGS provides  
14 flow information for total maximum daily load  
15 studies. It's an essential piece of it. Without  
16 that, we don't have water quality.

17 In addition, in terms of science, we  
18 sometimes have conflicting goals of water quality  
19 and drainage in this state. Currently, some in  
20 our academic circles are coming up with new  
21 techniques for trying to handle drainage, such as  
22 two-stage ditches or over-wide ditches. The  
23 research necessary to connect that to the end  
24 point of environmental protection has not been  
25 done and it needs to be done.

0092

1 How can you cooperatively promote  
2 conservation? In this specific case, the Big  
3 Darby has crafted a land use plan for western  
4 Franklin County. You could cooperate with that by  
5 funding extension of the Big Run Trunk Sewer from  
6 the City of Columbus to the proposed Darby Town  
7 Center.

8 The Big Run Trunk Sewer, if funded, would  
9 serve to -- as in impetus for probably 20 years of  
10 privately funded conservation in western Franklin  
11 County. That's the basis of the Big Darby Accord.

12 MODERATOR SENG: I'm sorry. That's your  
13 time. Leave your comments in the box outside.

14 Thank you.  
15 Numbers 47 through 50?  
16 Numbers 50 through 60?  
17 Numbers? What number?  
18 MS. MC HUGH: Number 51.  
19 Good evening. I am Teresa McHugh,  
20 M-c-H-u-g-h. I am a regional representative with  
21 the Sierra Club here in Columbus.  
22 The Sierra Club is a national  
23 organization that's been around for over 100  
24 years. We're comprised of individuals from all  
25 walks of life who work in their communities with

0093

1 local businesses, with local state and federal  
2 government, to achieve conservation goals.  
3 We support wholeheartedly the effort and  
4 intend to engage in partnership efforts. Very  
5 broadly, it's important to bring as many different  
6 voices as possible to achieve conservation goals  
7 and to ensure that those goals are sustained over  
8 the long term.  
9 However, the Sierra Club feels very  
10 strongly that partnership efforts need to  
11 complement and not replace existing environmental  
12 protections.  
13 The existing laws, the existing  
14 regulations are what have allowed us to come  
15 together and work in our communities with many  
16 players to achieve conservation goals. We  
17 shouldn't throw those efforts away.  
18 Recently the current administration has,  
19 in fact, failed to enforce and at times has worked  
20 to dismantle the conservation laws that have moved  
21 us forward over 30 years. For our cooperative  
22 efforts to succeed, the federal government must  
23 provide full and robust resources to the existing  
24 conservation protections and to the agencies of  
25 the government that work on behalf of those

0094

1 protections.  
2 Thank you.  
3 MODERATOR SENG: Thank you.  
4 Number 52?  
5 MR. SHANER: I have a tendency to go on  
6 so if you could please flash the red card, that  
7 would help me a lot.  
8 Jack Shaner, S-h-a-n-e-r, Public Director  
9 of the Ohio Environmental Council. You know, this  
10 was my theme of asking you to flash the card. I  
11 saw the Highway Patrol Troopers here to keep us  
12 all honest. None of us would go out there on the  
13 highway and knowingly put anyone else's neck at  
14 danger, but it's the Highway Patrol, it's the laws  
15 that help protect us. And my main message is  
16 please maintain those good protections for human  
17 health and our natural resources.  
18 There's a lot of progress that has been

19 made in the state and across the nation. The very  
20 things that government, industry and all citizens  
21 celebrate largely come -- I believe most of the  
22 large-scale progress has been made because of the  
23 force of law or the threat of a lawsuit.

24 There's no end to the threats to  
25 environmental conservation. In this state, we

0095

1 have a notorious offender known as Buckeye Egg.  
2 The state has moved to shut down a nuclear power  
3 plant near Toledo which had a steel reactor head  
4 almost eaten through by acid, which the Feds had  
5 to intervene on, and it seems like no end.

6 Sometimes it's not from the law breakers,  
7 but from the law makers themselves in our own  
8 state legislature. We have had encroachments on  
9 federal law. We have a few property owners trying  
10 to kick the public off the shoreline and trying to  
11 handcuff our state DNR's authority to control  
12 development on that shoreline.

13 Home builders, and my group has  
14 recognized home builders, giving them an award, an  
15 annual dinner, but I'm sorry, the home-builder  
16 industry sought and passed a Governor-vetoed  
17 portion of an amendment that would have gutted our  
18 state from our protection laws for weapons.

19 There was a moratorium proposed on  
20 acquisition of Wayne National Forest, and now the  
21 granddaddy of them all some lawmakers want  
22 to -- one of our candidates wants to limit our  
23 legislature to no more stringent laws than what  
24 you the Feds have.

25 We need -- This state desperately needs a  
0096

1 strong federal network there. We've supported  
2 this Administration when we thought they were  
3 right. We've supported the new diesel cleanup  
4 emission limits for the new zero-emission power  
5 plant that's been proposed. We have certainly  
6 criticized the Administration when we thought it  
7 was wrong. Cooperation has a place, no question.

8 Again, go back to the highways. We're  
9 driving more miles than ever before and yet we've  
10 got less fatalities than ever before. It's come  
11 through cooperation with industry, but it's also  
12 come not by taking down the stop signs, not by  
13 taking the cop off the block, not by rolling back  
14 any laws. So, yes, encourage cooperation, help  
15 keep us all honest, help maintain strong federal  
16 laws.

17 Thank you.

18 MODERATOR SENG: Thank you.

19 Numbers 53 through 60?

20 Numbers 61 through 70?

21 Your number?

22 FROM THE FLOOR: Number 69.

23 MODERATOR SENG: Number?

24 MS. WETHERINGTON-RICE: Number 64.  
25 Dr. Julie Weatherington-Rice,

0097

1 W-e-a-t-h-e-r-i-n-g-t-o-n hyphen R-i-c-e. I am  
2 Co-Coordinator for the Ohio Fracture Flow Working  
3 Group, which is a section of the Ohio Academy of  
4 Science. We're here in Columbus, Ohio, but we're  
5 statewide. I am also the Senior Scientist for the  
6 firm of Bennett & Williams Environmental  
7 Consultants, and I'm an Adjunct Assistant  
8 Professor at OSU in the Department of Food,  
9 Agriculture and Biological Engineering.

10 I'm here to talk this evening about the  
11 protection of groundwater, which is the water  
12 supply for over 40 percent of the people in Ohio  
13 and most of rural Ohio.

14 The U.S. EPA groundwater pollution  
15 protection mapping system, DRASTIC, was first  
16 published in 1987. That now internationally  
17 applied mapping prediction system was created by  
18 the founder of my company, Truman Bennett. As  
19 part of the recognition of containment transport  
20 from the surface and near subsurface to underlying  
21 groundwater aquifers, U.S. EPA, with the 1994  
22 amendments to the Resource Conservation and  
23 Recovery Act, began to require synthetic liners  
24 and caps for solid waste landfills throughout  
25 Ohio. However, this recognition of containment

0098

1 transport did not migrate to the rest of the  
2 federal governmental agencies who work with  
3 groundwater protection, nor did it filter down to  
4 their state programs.

5 Most all federal programs still function  
6 under the impression that fine-grained glacially  
7 derived materials and lacustrine sediments don't  
8 leak and that the laboratory analyses results of  
9 these materials establish that relationship. That  
10 turned out to be just not so.

11 In 1993, Truman Bennett and other Ohio  
12 researchers came together to form the Ohio  
13 Fracture Flow Working Group to study and determine  
14 the who, what, when, where, why, how, how fast and  
15 how long a fracture forms in fine-grain materials  
16 and their impacts on groundwater and containment  
17 transport.

18 This working group, which includes all of  
19 the federal and state organizations working in  
20 groundwater in Ohio, also includes representation  
21 from private firms, departments of many Ohio  
22 universities and professional organizations.

23 Over the last 13 years we have, in  
24 typical Ohio fashion, solved the puzzle of  
25 fracture formation. We now know how to test for

0099

1 it and how to statistically predict it. We are  
2 currently interacting with researchers all over

3 North American and Europe to determine how  
4 widespread our predictions can be extrapolated.  
5 MODERATOR SENG: I'm sorry. I need to  
6 interrupt you. Please leave your written  
7 comments.  
8 MS. WEATHERINGTON-RICE: Written comments  
9 and issues of the Journal.  
10 MODERATOR SENG: Excellent.  
11 Thank you.  
12 Numbers 65 through 70?  
13 MR. RESCH: I'm Bill Resch from  
14 New Albany, Ohio. I'm a trustee of the Friends of  
15 Big Walnut and its tributaries.  
16 MODERATOR SENG: Can you spell your last  
17 name, please?  
18 MR. RESCH: My last name is spelled  
19 R-e-s-c-h.  
20 MODERATOR SENG: Thank you.  
21 MR. RESCH: Earlier it was mentioned that  
22 Ohio had lost 90 percent of its original forests  
23 and that we have restored now up to 30 percent. I  
24 recommend that our federal, state and cooperative  
25 conservation goal be to reverse our 90 percent  
0100  
1 loss of the original wetlands in Ohio from the  
2 current ten-percent level to hopefully the 30  
3 percent level, that would be a wonderful reversal.  
4 But the current Wetland Mitigation Bank  
5 Policy is the antithesis of restoring Ohio's  
6 wetlands from the ten percent to thirty percent or  
7 more level.  
8 Earlier U.S. Forest Service Director,  
9 Mark Rey, advised us that we must cooperatively  
10 eliminate disincentives to environmental  
11 stewardship. The current policy and practice of  
12 exporting or outsourcing our urban wetlands by the  
13 mitigation of their ecological function and values  
14 of distant rural watersheds where they have a  
15 mitigation bank, such as Marion and Fairfield  
16 County, is a major disincentive to the future  
17 stewardship of Ohio's remaining ten percent of  
18 wetlands.  
19 I live in a rapidly urbanized  
20 municipality in Franklin County. Our local  
21 government is required, as of March 2003, to  
22 institute the U.S. EPA NPDES Phase 2 pretreatment  
23 of nonpoint pollution. We are obligated by an  
24 Ohio EPA permit, by policy. To export or  
25 outsource our local watersheds, wetlands, these  
0101  
1 water-cleansing kidneys of nature, is not sound  
2 science and damages the downstream riparian  
3 property rights and the recreational enjoyment,  
4 protection of potable water sources, and makes  
5 reduction of nonpoint pollution in our urban  
6 watershed nonachievable.  
7 Most egregious is the economic incentives

8 provided to developers to ship out these functions  
9 to other wetlands, banks. The market-based  
10 mitigation system is a disincentive to stewardship  
11 of our Ohio wetlands.

12 Thank you, sir.

13 MODERATOR SENG: Thank you.

14 Numbers 70 through 80?

15 MR. KISTER: Number 76.

16 MODERATOR SENG: And, Ma'am, who are you?

17 MS. BAIRD: Number 75.

18 MODERATOR SENG: Okay.

19 Number 75?

20 MS. BAIRD: Thank you.

21 My name is Ann Baird. I'm from Columbus,  
22 Ohio. I work for Ohio State University Extension,  
23 the School of Environment and Natural Resources,  
24 but my comments today are my own, but they  
25 certainly reflect my position. It's actually to

0102  
1 teach about and promote collaboration in watershed  
2 management efforts in Ohio.

3 And one thing I'll just point out as an  
4 observation, there's a great deal of science and  
5 experience behind collaboration. And one thing I  
6 found interesting that's working is USDA's  
7 Cooperative State Research and Education Services,  
8 encouraging the universities to work together to  
9 get this information on collaboration out to the  
10 groups that are trying to promote those  
11 collaborations.

12 In Ohio, we have over 200 watershed  
13 management efforts and several of them have been  
14 mentioned today. But one thing I found is  
15 it's -- the science of collaboration is often  
16 difficult to implement and the universities can  
17 certainly play a role.

18 But I think it would be also interesting  
19 for the federal government to think about how they  
20 can continue to promote that, whether it be when  
21 they put regulations in place or asking their  
22 state agencies to roll out collaborative programs  
23 like watershed management.

24 So I guess my question would be to  
25 continue to think about that, the aspects of the

0103  
1 collaborative science and how to integrate that in  
2 their policy.

3 Thank you.

4 MODERATOR SENG: Thank you.

5 Number 76?

6 MR. KISTER: My name is Chad Kister. I'm  
7 the author of "Arctic Crest and Arctic Melting".  
8 I'm also the Coordinator of Hocking Voice. And my  
9 last name is spelled K-i-s-t-e-r, first name is  
10 Chad.

11 And my comments are that Ohio is under  
12 assault by polluters and developers, and what we

13 heard in opening comments saying that Ohio is  
14 better because we have a little more forestland  
15 than when we totally clear cut it all just about  
16 at the turn of the century is about as accurate as  
17 that clock up there (indicating).

18 Now, Ohio used to have 95 percent open  
19 forest with trees, 700 years old, covering our  
20 state. Now we have less than .004 percent of old  
21 growth forests left in Ohio and far eastern Ohio  
22 being one of the biggest. In the State of Ohio,  
23 which was Sam Speck who just spoke, has permanent  
24 coal mining right under this old growth forest.

25 These 500-year-old oaks are perfect for  
0104

1 bald eagles like we used to have all throughout  
2 the state. And the same is happening to our water  
3 quality. My grandmother -- grandparents had a  
4 farm on Big Darby, which was a very clean river.  
5 It's getting more and more polluted, silting is  
6 polluting water.

7 You can't safely eat the fish in Ohio  
8 because of mercury. And the Bush Administration  
9 and the folks at the agencies that you represent  
10 up there have been involved in the greatest  
11 assault of the environment that we have seen.

12 You have increased the pollution in our  
13 water and air. You have decreased the -- You have  
14 stopped the efforts to reduce mercury pollution  
15 which is necessary to make the fish that I eat  
16 safe in Ohio.

17 And, quite frankly, you have murdered  
18 thousands of people in America in this very sound  
19 science because of the increase in pollution that

20 you have allowed. More people than died on  
21 September 11th have been killed by the Bush  
22 Administration's policy of increased pollution.  
23 And I don't know how you can sleep at night.

24 You are increasing the pollution that I  
25 drink every day, that I breathe every day in Ohio,  
0105

1 and it is utterly sinful.

2 We have heard people today talk about who  
3 cares about the Endangered Species Act. We have  
4 heard that from folks who want to destroy it.  
5 Well, if we don't have some solid laws that we all  
6 have worked so hard for it is going to be gone.

7 MODERATOR SENG: Thank you.

8 MR. KISTER: We need solid laws.

9 MODERATOR SENG: Thank you for your  
10 comments.

11 Numbers 77 through 80?

12 Number 79?

13 MS. HITCHCOCK: Yes.

14 My name is Christina Hitchcock. I'm the  
15 Bokes and Mill Creek Watershed Coordinator out of  
16 Union Soil and Water Conservation District.



17 MODERATOR SENG: Can you spell your name?  
18 MS. HITCHCOCK: Christina Hitchcock,  
19 H-i-t-c-h-c-o-c-k, and I'm out of Marysville, Ohio  
20 Ohio.

21 I am here to promote the benefits of  
22 watershed planning at the local level through Soil  
23 and Water Conversation Districts.

24 SWCDs serve as a prime conduit for  
25 planning and implementing water quality

0106 1 improvements on a watershed scale, public outreach

2 and involvement, providing technical expertise,  
3 and maintaining a well-represented, diverse  
4 partnership with watershed stakeholders.

5 Local watershed organizations employing  
6 watershed coordinators through SWCDs is an  
7 effective way to target sites needing planning  
8 efforts for water quality improvements.

9 SWCDs are familiar with the demographics,  
10 socioeconomic, and geography within the  
11 boundaries of the watershed and can proactively

12 work within that local area to plan realistic  
13 improvement efforts.

14 Setting achievable goals and action plans  
15 allows for successful implementation of water  
16 quality improvement. Watershed inventories and  
17 action plans utilize their knowledge and authority  
18 of local SWCDs are more reputable, efficient and  
19 resourceful for implementing water quality  
20 improvement.

21 SWCDs hold the respect and trust of  
22 landowners, which enhances cooperation throughout  
23 the communities of the watershed. Water quality  
24 improvements, especially targeting nonpoint source  
25 pollution, begin with public outreach and

0107 1 involvement through the watershed.

2 Efforts of the watershed coordinator and  
3 SWCD staff provide frequent, even daily  
4 interaction with landowners to encourage  
5 conservation and water quality.

6 Access to technology and trained  
7 employees is challenging in terms of availability,  
8 as well as financially for a watershed  
9 organization. Technical expertise is extremely  
10 valuable for implementation and measuring success  
11 for water quality protection and improvement.

12 SWCDs have trained and experienced staff  
13 to provide watershed organization with the skills,  
14 technology and services that are a necessity for  
15 getting conservation projects and practices on the  
16 ground and completed.

17 Lastly, SWCDs host valuable  
18 intergovernmental cooperation and/or partnerships

19 at the federal, state and local level. The  
20 cooperation among these agencies through the SWCD  
21 allows for a diverse and well-represented  
22 watershed organization that respects the opinions  
23 and needs locally, while still taking into  
24 consideration large-scale considerations.

25 In closing, I feel that the most

0108

1 efficient, effective and reputable way to conserve  
2 water quality is at the watershed scale, utilizing  
3 the valuable services and resources that SWCDs  
4 offer.

5 Thank you.

6 MODERATOR SENG: Thank you.

7 We have to pause for just a moment for a  
8 change at the podium. Under Secretary Rey has to  
9 catch a flight to the west coast. He's going to  
10 be at the Listening Session tomorrow in Redmond,  
11 Oregon, so he has a long way to go in a short  
12 amount of time.

13 He's going to be replaced on the podium  
14 by Larry Cosby, who is a State Conservationist  
15 with the Natural Resources and Conservation  
16 Service.

17 Numbers 80 through 90?

18 Number, please?

19 MS. GRESHAM: Number 81.

20 MODERATOR SENG: Number 81?

21 MS. GRESHAM: Good evening gentlemen and  
22 members of the audience. My name is  
23 Cyane Gresham, C-y-a-n-e G-r-e-s-h-a-m.

24 I was hired about two years ago to work  
25 for the Ohio Sierra Club and specifically for the

0109

1 local group, the central Ohio group, on water  
2 quality issues.

3 It's been a very interesting and  
4 productive two years, I think, relevant to the  
5 discussion of cooperative conservation, so I want  
6 to tell you a couple of stories of success and  
7 four lessons that I think will help in  
8 understanding how cooperative conservation -- it  
9 at least it helps me. I hope it can help you. I  
10 know you gentlemen are important and very busy. I  
11 think we all appreciate your time here tonight.

12 Two years ago when I was hired, the  
13 Sierra Club basically had an antagonistic  
14 relationship with the municipal utilities, the  
15 provider for wastewater, that is, the City of  
16 Columbus, Department of Public Utilities.

17 They are, in this urban area, probably  
18 the single biggest control over water quality. At  
19 that time, it wasn't measured, but what was kept  
20 account of indicated discharges of between three  
21 and five billion, that's billion, gallons a year  
22 of untreated wastewater.

23 The water quality limits were met every

24 time it rained. The Sierra Club filed a 60-day  
25 Notice of Intent to sue. That threatened lawsuit  
0110

1 went away.

2 And the City of Columbus has stepped up.  
3 They want to fix their sewer system. They have  
4 promised five-and-a-half billion dollars worth of  
5 improvements over the next 40 years; however, the  
6 federal money is vanishing. There are no grants  
7 and the loan fund is being reduced.

8 The four lessons that I think come out of  
9 this, we've heard many times tonight; honor  
10 existing laws. Please, fund the government  
11 agencies whose mission it is to uphold these laws.  
12 Provide funds for private incentives for  
13 conservation.

14 And, finally, look -- It isn't up to all  
15 of you in Washington. There are lots of  
16 experiments out in the state. Listen and see what  
17 works. And if you provide the funding and a  
18 strong leadership, it will happen.

19 Thank you.

20 MODERATOR SENG: Thank you.

21 Numbers 82 through 90?

22 Numbers 90 through 100?

23 Number, please?

24 MR. MAYNARD: I think I'm No. 95.

25 My name is Craig Maynard. I'm a private  
0111

1 citizen, resident of Columbus, Ohio. I have  
2 gotten a serious case of the warm fuzzies sitting  
3 here today, and I don't think the fuzzies are from  
4 the discussions of fuzzy signs or fuzzy math.

5 I, too, want to say that I think it's  
6 important that we have rigorous science, that  
7 environmentalists be held to rigorous scientific  
8 standards. But I think it's also important that  
9 the building community, the development community,  
10 that they make an effort to hold themselves  
11 accountable to science.

12 I have been seeking metaphors as I've sat  
13 there patiently awaiting my time, counting the  
14 pros and cons of each speaker.

15 Cooperative conservation, it sounds  
16 great, and maybe that's why I'm feeling warm and  
17 fuzzy. My question is: If it were cancer that I  
18 had, do we really want to cooperate? Do we have a  
19 problem such that we're beyond the point of  
20 cooperation and now we're at the point of "It's  
21 time for drastic measures"? It's time for chemo.  
22 It may kill us, but it may save us, too.

23 It was very interesting to write down the  
24 comments of the various speakers as we went. I  
25 was slightly shocked and horrified when Marcie  
0112

1 from the American Agri-Women told me that

2 extinction is a natural process, and we should  
3 make an effort only to save significant species.  
4 I'm hoping that includes you and me.

5         Whether or not you believe all the hype,  
6 the propaganda, the noise that's out there on both  
7 sides, I think a lot of us understand that we are  
8 at the tipping point and that are actions now that  
9 have long-term consequences.

10         So when Malcolm Porter and others talk  
11 about the economics of cooperative conservation  
12 and when we talk about market forces, are we  
13 talking short-term costs, or are we talking  
14 long-term costs?

15         Is this the rule of the seventh  
16 generation? What's the externality, as Pat Marida  
17 from the Sierra Club mentioned, clean air, clean

18 water.

19         There's another problem from economics  
20 that comes into play and that's the issue of the  
21 free ride. We understand that with fluids, water  
22 and air, things move. So how do we make sure that  
23 people that put excessive amounts of pollution in  
24 the water pay their fair share? But those of us  
25 that want to recreate and walk in it downstream,

0113  
1 that we can get the benefit and have it diminished  
2 by other people's belief that just because it runs  
3 through their land, that it's theirs.

4         And maybe that's the metaphor we need to  
5 focus on. We need a paradigm change. This is not  
6 about property rights. This is not about mine  
7 versus yours. This is about all of us.

8         MODERATOR SENG: Thank you.

9         That's your time.

10         MR. MAYNARD: Thank you.

11         MODERATOR SENG: We distributed 102 cards  
12 in the beginning. Is there anyone after 95  
13 that's -- Please.

14         MR. MILLER: I'm No. 100.

15         My name is Ed Miller from the Delaware  
16 Soil and Water Conversation District in Delaware,  
17 Ohio. I'd like to briefly advocate for soil and  
18 water conversation districts as a vehicle to  
19 deliver cooperative conservation primarily on a  
20 watershed scale. And the purpose of this would be  
21 to have policy language to recognize soil and  
22 water conversation districts and to also encourage  
23 members of soil and water conversation districts  
24 and their boards to be invited to the table to  
25 participate in discussions on cooperative

0114  
1 conservation.

2         The reasons that I'd like to give briefly  
3 are the national network of soil and water  
4 conversation districts has a long history of

5 well-respected and trusted relationships with  
6 individuals in the local community and with local  
7 community organizations and agencies.

8         At the local level, soil and water  
9 conversation district staffs live and they work  
10 and they interact amongst the community they  
11 serve. They have built an adaptive and flexible  
12 foundation to deliver conservation science and  
13 technology and public education and outreach using  
14 multi-disciplinary staffs and many diverse  
15 outreach programs.

16         They are usually the first organization  
17 to be contacted by the local community or  
18 individuals when inquiries arise concerning  
19 national resources and the environment, including  
20 rules and regulations.

21         They work hard to acquired an efficiently  
22 use local, state, federal, private, corporate,  
23 municipal and other funding sources to deliver  
24 needed expertise, products, programs and services  
25 at the -- to the local individual or the community

0115  
1 level.

2         They readily adopted and succeeded in  
3 utilizing new approaches such as the watershed  
4 approach to deliver conservation, environmental  
5 protection and science primarily through volunteer  
6 and community-based organizations.

7         Many Ohio SWCDs have led or partnered  
8 with local watershed groups to effectively  
9 integrate available sources of funds, including  
10 those made available from U.S. EPA and USDA. The  
11 local watershed is the most practical geographic  
12 unit for planning and prioritizing water resource  
13 management programs.

14         SWCDs have set an example in Ohio,  
15 demonstrating how units of government, based on  
16 traditional political boundaries, can work  
17 together on a watershed basis. They have  
18 well-established partnerships and close working  
19 relationships with agencies and organizations at  
20 local, state and national levels that are the  
21 leaders in conversation, natural resource  
22 management, environmental protection and  
23 environmental engineering.

24         Thank you.

25         MODERATOR SENG: Thank you.

0116  
1 Do we have Nos. 101 or 102?

2 Is there anyone who has not spoken who  
3 would like to come to the mic?

4 MR. RICHARDS: Number 105.

5 MODERATOR SENG: I'm sorry.

6 MR. RICHARDS: Am I last?

7 MODERATOR SENG: I'm not sure.

8 Is he last? Anyone else?

9 MR. RICHARDS: Bill Richards, spelled  
10 R-i-c-h-a-r-d-s. I'm a corn and conservation  
11 farmer from Circleville, Ohio. I also work for  
12 Senator DeWine as an Ag Liaison, Ag and  
13 Conservation Liaison. I am going to speak to two  
14 things, and I'm not speaking for Senator DeWine,  
15 obviously.

16 Two areas: First, energy. There's been  
17 mention of ethanol today. When we look at even  
18 the possibility of reducing air and oil imports,  
19 we're going to need lots and lots of land,  
20 millions of acres of land. We're probably going  
21 to see the biggest change in land use that we have  
22 seen since the Dust Bowl. So I really challenge  
23 you agencies to really start working together on  
24 the kind of policy that it's going to take to  
25 really bring that about. The country needs it.

0117

1 Second, cooperative conversation is  
2 spelled land care in much of the world. Take a  
3 close look at what the Aussies have done in the  
4 way of their land care movement. They have been  
5 able to raise the conservation ethic in their  
6 country with a fraction of the expenditures and  
7 programs we have.

8 When you raise the conservation ethic, it  
9 stays. It lasts longer than programs. So that's  
10 my other challenge to you, to really take a look  
11 at rural land care.

12 Thank you.

13 MODERATOR SENG: Thank you.

14 Is there anyone else that has not spoken  
15 who would like to?

16 (No response.)

17 With that, I would like to offer the  
18 gentlemen on the podium a chance to make any  
19 comments closing. Do you have any?

20 MR. WAIDMANN: I think just a couple.

21 I think all of us who have sat here for  
22 the last two-and-a-half hours were impressed by  
23 the articulate views, well expressed, and the  
24 diversity of views. I think all of us learned at  
25 least a few things that we may not have known

0118

1 before.

2 I personally have not ever heard of the  
3 black-headed vulture and the problems that  
4 individual counties were experiencing.

5 I thought the description of the  
6 externalization of costs that was done by one of  
7 our speakers was quite cogent.

8 And I was impressed by the number of  
9 people who I think all of them kept saying one set  
10 of rules and be consistent so that everybody knows  
11 what they are were really good, good messages to  
12 learn.

13 It's hard to summarize, you know, more

14 than several-dozen pages of notes that were taken.  
15 But I really appreciate the time and effort that  
16 everybody spent and devoted in coming here. I  
17 just wished the President or the Secretary could  
18 have been here.

19 The Secretary is on his way to his fifth  
20 Listening Session and we just didn't schedule this  
21 right or, otherwise, he would have been here. I  
22 will be talking to him about 10:00 o'clock tonight  
23 and going over a series of points that were made.

24 I think on behalf of all of us from the

25 Administration, we're grateful for the really rare  
0119

1 opportunity where we just get to listen and not be  
2 part of photo ops or speeches or -- This is one of  
3 the best times I've had all year, so thank you  
4 very much.

5 MR. PERRECON: Thank you to everybody  
6 for their thoughtful comments and good comments.  
7 I will take these comments back to Region 5,  
8 Chicago. And I know the EPA, the Water Division,  
9 is interested in your comments about trading,  
10 about NPDES discharges, about other issues of  
11 water quality, as well as other issues.

12 Thank you very much.

13 MR. COSBY: I would like to take this  
14 opportunity to thank you all for coming tonight.  
15 I know that you all are busy, have very busy  
16 schedules. I note that all of the agencies here  
17 locally in the state are working cooperatively  
18 together, and we have heard your concerns in  
19 coming to this Cooperative Conservation.

20 Thank you for coming.

21 MODERATOR SENG: And on behalf of the  
22 Department of Interior --

23 FROM THE FLOOR: I just have a real quick  
24 question. Is the oral or written testimony going  
25 to be available from tonight and the other

0120

1 Listening Sessions?

2 MODERATOR SENG: All I know is that we  
3 are collecting all the transcriptions. The firm  
4 that I work for is doing that. We're going to  
5 create a summary of what's been heard at the  
6 sessions all around the country. That report will  
7 be delivered with the full transcription of the  
8 pendencies to the departments represented here.  
9 And I don't know if I can comment on anything  
10 beyond that. That's all I know.

11 MS. LINNENBRINK: I think they are  
12 posting them online.

13 MODERATOR SENG: The transcripts?

14 MS. LINNENBRINK: The summaries.

15 MODERATOR SENG: The summaries will be  
16 posted online. I'm not sure where that will be  
17 posted.

18 MS. LINNEBRINK: The Cooperative  
19 Conservation website.  
20 MODERATOR SENG: Okay. And that's the  
21 same website that's on that card that you have.  
22 We'll have the summaries posted on it.  
23 Thank you, Monica.  
24 On behalf of the Department of Interior  
25 and Agriculture and the Environmental Protection  
0121  
1 Agency, I would like to thank you all for coming,  
2 and we wish you a pleasant evening.  
3 We stand adjourned.  
4 - - -  
5 (Thereupon, Cooperative Conservation  
6 Listening Session was concluded at 6:45  
7 o'clock p.m. on Monday, August 21, 2006.)  
8 - - -  
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